NOTICE: *While reasonable efforts have been made to assure the accuracy of the data herein, this is* ***NOT*** *the official version of Senate Journal. It is published to provide information in a timely manner, but has* ***NOT*** *been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.*

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

Tuesday, June 2, 1998. Met at four minutes past ten o'clock A.M.

Suspension of Senate Rule 38A.

Mr. Rosenberg moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yea and nay vote.

Orders of the Day.

The Orders of the Day were considered, as follows:
The House Bill making appropriations for the fiscal year 1999 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 (House, No. 5501, printed as amended),— was read a second time.
The Senate adopted the amendments recommended by the committee on Ways and Means:
Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1999; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:
"*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 1998, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."
The bill, as amended, was ordered to a third reading and read a third time.
Pending the question on passing the bill to be engrossed, Mr. Antonioni moved to amend the bill, in section 2, by inserting after item 7061-9637 the following new item:—

"xxxx-xxxx The department of education is hereby authorized to expend an amount not to exceed $15,000,000 for the salaries and benefits of staff assigned to federally funded programs; provided, that the department with the assistance of the comptroller shall at least quarterly transfer funds in the aggregate to this account from the appropriate federal appropriations accounts; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the expenditure of such funds and the documentation of program cost allocations, the

department may incur expenses and the comptroller may certify for payment amounts not to exceed this authorization."

The amendment was *rejected.*

Messrs. Travaglini, Lynch and Tolman, Ms. Walsh and Messrs. Morrissey and Keating moved to amend the bill, in section 2, by striking out item 0320-0010 and inserting in place thereof the following new item:—

"0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county; provided, that not more than $267,628 shall be expended for an electronic management imaging project in fiscal year 1999; and provided further, that said clerk shall submit not later than January 1, 1999, a report detailing the status of such project to the house and senate committees on ways and means	1,135,543".

The amendment was *rejected.*

Mr. Antonioni, Ms. Walsh, and Mr. Keating moved to amend the bill, in section 2, in item 0321-1500, by striking out the figure "6,638,812" and inserting in its place the following figure:— "6,967,937"; and, in said section 2, in item 0321-1502, by striking out the figure "7,063,412" and inserting in its place thereof the figure "7,433,412"; and by striking out, in item 0321-1503, the figure "461,325" and inserting in its place the following figure:— "479,439"; and, in said section 2, in item 0321-1504, by striking out the figure "407,460" and inserting in place thereof the following figure:— "487,624".

The amendment was *rejected.*

Mr. Havern moved to amend the bill, in section 2, in item 0321-2205, by striking out the figure "1,550,000" and inserting in place thereof the following figure:— "1,700,000".

The amendment was *rejected.*

Mr. Havern moved to amend the bill, in section 2, in item 0321-2206, by striking out the figure "300,000" and inserting in place thereof the following figure:— "350,000".

The amendment was *rejected.*

Messrs. Travaglini and Rosenberg moved to amend the bill, in section 2, in item 0333-0300, by striking out the words "register of said court" and inserting in place thereof the following words:— "first justice of the Bristol probate and family court".

After remarks, the amendment was adopted.

Ms. Walsh and Messrs. Lynch, Tarr and Clancy moved to amend the bill, in section 2, in item 0330-0301, by striking out the words, "provided further, that salaries of all associate probation officers shall be funded from this item in fiscal year 1999; provided further, that said associate probation officers shall perform in-court functions only and shall assume the in-court duties of currently employed probation officers who shall be reassigned within the probation service, subject to collective bargaining agreements, to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0330-0302 of this act;"; in said item 0330-0301 by striking out the figure "3,321,940" and inserting in place thereof the following figure "2,718,338";

In said section 2, in item 0339-1001, by adding the following words:— "provided further, that salaries of all associate probation officers shall be funded from this item in fiscal year 1999; provided further, that said commissioner of probation, subject to the approval of the chief justice for administration and management, shall appoint any associate probation officer; and provided further, that said associate probation officers shall perform in-court functions only and shall assume the in-court duties of currently employed probation officers who shall be reassigned within the probation service, subject to collective bargaining agreements, to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0330-0302 of this act;"; and in said item 0339-1001, by striking out the figure "3,611,128" and inserting in place thereof the figure:— "8,011,128".

The amendment was *rejected.*

Ms. Walsh and Messrs. Lynch, Tarr and Clancy moved to amend the bill, in section 2, in item 0330-0317, by striking out the figure "159,052" and inserting in place thereof the following figure:— "319,000".

The amendment was *rejected.*

Mr. Panagiotakos moved to amend the bill, in section 2, in item 0330-0400, by adding the following words:— "; and provided further, that not less than $37,000 shall be expended to provide for a Southeast Asian interpreter for the district court of Lowell".

The amendment was *rejected.*

Mr. Lynch moved to amend the bill, in section 2, in item 0330-0400, by striking out the words "that not less than $100,000" and inserting in place thereof the following words:— "that not less than $125,000"; and further moved to amend, in section 2, in item 0330-0400, by striking out the figure "16,944,792" and inserting in place thereof the following figure:— "16,969,792".

The amendment was *rejected.*

Mr. Brewer moved to amend the bill, in section 2, in item 0330-0410, by adding the following words:— "provided further, that not less than $30,000 shall be expended for Quabbin Mediation Services."

The amendment was *rejected.*
Mr. Keating moved to amend the bill, in section 2, in item 0330-0410, by striking out the figure "115,000" and inserting in place thereof the following figure:— "215,000".
The amendment was *rejected.*
Messrs. Keating, Joyce and Hedlund moved to amend the bill, in section 2, in item 0330-2000, by adding the following words:— "; and provided further, that not less than $33,000 shall be expended for a pilot project at the Norfolk county law library for the staffing of night time service"; and in section 2, in item 0330-2000, by striking out the figure "1,827,981" and inserting in place thereof the following figure:— "1,860,981".
The amendment was *rejected.*
Ms. Walsh moved to amend the bill, in section 2, in item 0330-2000, by inserting after the word "program" the following words:— "; and provided further, that not less than $33,000 shall be expended for a pilot project at the Norfolk county law library for the staffing of night time service". After remarks, the amendment was adopted.
Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 0330-2202, by striking out the figure "5,702,493" and inserting in place thereof the following figure:— "9,940,104".
The amendment was *rejected.*
Ms. Walsh and Messrs. Lynch, Tarr, Clancy and Durand moved to amend the bill, in section 2, in item 0330-2202, by striking out the figure "5,702,493" and inserting in place thereof the following figure:— "10,801,805".
The amendment was *rejected.*
Ms. Walsh and Messrs. Lynch, Tarr and Clancy moved to amend the bill, in section 2, in item 0330-2205, by striking out the figure "22,325,192" and inserting in place thereof the following figure:— "24,238,651".
The amendment was *rejected.*
Ms. Walsh and Messrs. Lynch, Tarr, Durand and Clancy moved to amend the bill, in section 2, in item 0330-3700 the following item:—

"0330-4100	For a trial court vacancy pool and reserve; provided, that not later than March 1, 1999, the chief justice for administration and management shall submit a report to the house and senate committees on ways and means detailing all assignments and allocations funded from this item	1,500,000".

The amendment was *rejected.*
Ms. Walsh and Messrs. Lynch, Tarr, Clancy and Durand moved to amend the bill, in section 2, by striking out item 0331-0600; and in said section 2, by inserting after item 0339-1001 the following item:—

0339-1002	For the superior court probation services	8,759,941".

The amendment was *rejected.*
Ms. Walsh and Messrs. Lynch, Tarr and Clancy moved to amend the bill, in section 2, in item 0330-0301, by striking out the words "and provided further, that 3 additional associate probation officers shall be funded from this item and assigned to the second district court of Bristol at Fall River in fiscal year 1999"; in said item 0330-0301 by striking out the figure "3,231,940" and inserting in place thereof the following figure:— "3,142,440"; and, in said section 2, in item 0339-1001, by adding the following words:— "; provided, that 3 additional associate probation officers shall be funded from this item and assigned to the second district court of Bristol at Fall River in fiscal year 1999"; and in said section 0339-1001 by striking out the figure "3,611,128" and inserting in place thereof the following figure:— "3,690,628".
The amendment was *rejected.*
Ms. Walsh and Messrs. Lynch, Tarr and Clancy moved to amend the bill, in section 2, in item 0332-0100, by striking out the figure "1,352,454" and inserting in place thereof the following figure:— "1,583,837".
The amendment was *rejected.*
Mr. Montigny moved to amend the bill, in section 2, in item 0332-1800, by striking out the figure "2,595,590" and inserting in place thereof the figure:— "2,783,676"; and in said item 0332-1800, by adding the following words:— "; provided, that 2 additional assistant clerk magistrates and 2 additional session clerks shall be appointed and funded from this item in fiscal year 1999".
After debate, the amendment was adopted.
Mr. Tarr moved to amend the bill, in section 2, by striking out item 0332-2500 and inserting in place thereof the following item:—

"0332-2500	For the district court of eastern Essex at Gloucester, provided, that 1 assistant chief probation officer, and the upgrade of one	991,365".

existing probation officer to the rate of assistant chief probation officer, shall be funded from this item

The amendment was *rejected.*

Mr. O'Brien moved to amend the bill, in section 2, in item 0332-2600, by adding the following proviso:— " ; provided further, that continuation of operating expenses for the office of the registry of deeds of northern district of Essex county be funded from this item".

The amendment was *rejected.*

Mr. Travaglini moved to amend the bill, in section 2, by striking out item 0332-4000 and inserting in place thereof the following new item:—

"0332-4000	For the district court of Somerville; provided, that of the funds appropriated herein, $10,000 shall be allocated to the office of the clerk magistrate for the purchase of office furnishings and equipment	2,873,218".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, in item 0332-4400, by adding the following proviso:— "; provided, that one additional assistant clerk magistrate shall be funded from this item in fiscal year 1999".

The amendment was *rejected.*

Mr. Morrissey moved to amend the bill, in section 2, in item 0332-5300, by striking out the figure "4,413,677" and inserting in place thereof the following figure:— "4,441,231".

The amendment was *rejected*.

Mr. Moore moved to amend the bill, in section 2, in item 0332-7600, by striking out the words "procedures clerk I" and inserting in their place the following words:— "procedures clerk II".

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill, in section 2, in item 0333-0200, by inserting after the word "court", the following proviso:— " ; provided, that 1 additional procedures clerk II shall be funded from this item in fiscal year 1999"; and, in section 2, in item 0333-0200, by striking out the figure "662,497" and inserting in place thereof the following figure:— "673,301".

The amendment was *rejected*.

Messrs. Clancy, Jajuga, Tarr and Berry moved to amend the bill, in section 2, by striking out item 0333-0500 and inserting in place thereof the following item:—

"0333-0500	For the Essex probate court; provided, that one additional procedures clerk II and one additional sessions clerk shall be funded from this item in fiscal year 1999	2,264,834".

The amendment was *rejected*.

Messrs. Shannon and Havern moved to amend the bill, in section 2, by striking out item 0333-0900 and inserting in place thereof the following item:—

"xxxx-xxxx	For the Middlesex probate court; provided, that one additional assistant register, one head procedures clerk, two additional sessions clerks, two administrative assistants II, and one additional procedures clerk, shall be appointed and funded from this item in fiscal year 1999	4,288,774".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, by striking out item 0333-1200, and inserting in place thereof the following item:—

"0333-1200	For the Plymouth probate court; provided, that notwithstanding the provisions of any general or special laws to the contrary, the first justice of said court shall appoint two additional deputy assistant registers to be funded from this item in fiscal	2,033,764."

year 1999; and provided further, that two additional assistant registers shall be appointed and funded from this item in fiscal year 1999

After remarks, the amendment was adopted.
Mr. Antonioni moved to amend the bill, in section 2, in item 0333-1400, by inserting after the words "1 additional assistant register," the following words:— "and one additional procedures clerk II, one procedures clerk I, and one probation officer"; and by striking out the figure "2,264,583" and inserting in place thereof the figure "2,339,583".
The amendment was *rejected*.
Mr. Creedon moved to amend the bill, in section 2, in item 0336-0400, by inserting after the word "court" the following words:— "; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 1999"; and, in said item 0336-0400, by striking out the figure "728,722" and inserting in place thereof the following figure:— "788,722".
The amendment was *rejected*.
Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 0337-0003, by striking out the figure "50,000", the first time it appears, and inserting in place thereof the following figure:— "80,000".
The amendment was *rejected*.
Mr. Panagiotakos moved to amend the bill, in section 2, in item 0337-0003, by striking out the words "and provided further, that 2 additional assistant clerk magistrates shall be funded from this item and appointed to the Middlesex county division pursuant to section 84 of this act in fiscal 1999", and inserting in place thereof the following words:— "and provided further, that four additional assistant clerk magistrates shall be funded from this item and appointed to the Middlesex county division pursuant to section 84 of this act in fiscal 1999".
The amendment was *rejected*.
Messrs. Lees and Knapik moved to amend the bill, in section 2, by striking out item 0337-0300, and inserting in place thereof the following item:—

"0337-0300	For the Springfield juvenile court; provided, that $82,350 shall be expended for the CASA program, so-called, in said Springfield juvenile court; provided further, that two additional judges shall be appointed to be designated as circuit judges for the four western counties of the commonwealth and funded from this item in fiscal year 1999	1,721,899".

The amendment was *rejected*.
Messrs. Jajuga and Berry moved to amend the bill, in section 2, in item 0340-0300, by striking out the figure "6,348,288" and inserting in place thereof the following figure:— "6,623,000."
The amendment was *rejected*.
Messrs. Creedon, Tolman, Ms. Walsh and Mr. Joyce moved to amend the bill, in section 2, in item 0340-2100, by striking out the figure "1,508,967" and inserting in place thereof the following figure:— "1,858,000".
The amendment was *rejected*.
Mr. Lees moved to amend the bill, in section 2, by striking out item 0350-0700 and inserting in place thereof the following item:—

"0350-0700	For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampden county; provided, that the operation of the Hampden county printing office shall be transferred to the office of the sheriff of the former Hampden county; and provided further, that not less than $50,000 shall be allocated for staffing and administrative costs for said printing office	41,707,508".

The amendment was *rejected*.
Ms. Melconian, Messrs. Lees, Knapik and Brewer moved to amend the bill, in section 2, in line item 0350-0700, by striking out the figure "41,657,508" and inserting in place thereof the following figure:— "44,667,508".
The amendment was *rejected*.
Mr. Tisei moved to amend the bill, in section 2, in item 0521-0000, by adding the following proviso:— "; provided further, the

division is hereby authorized and directed to conduct a study to assess the feasibility of a vote-at-home program for municipal town meetings for the purposes of increasing voter participation".
The amendment was *rejected*.
Ms. Murray moved to amend the bill, in section 2, in item 0526-0100, by inserting after the word "lighthouses" the following words:— "; and provided further that not less than $15,900 shall be expended for the renovation of the Adah Hall House in the town of Pembroke."
After remarks, the amendment was adopted.
Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 0526-0100, by inserting after the word "lighthouses," the following words:— "that $25,000 shall be provided for the Worcester women's history project to preserve and exhibit historic artifacts,".
The amendment was adopted.
Mr. Panagiotakos moved to amend the bill, in section 2, in item 0540-1400, by striking out the figure "1,345,218" and inserting in place thereof the following figure:— "1,392,380".
The amendment was *rejected*.
Mr. Panagiotakos moved to amend the bill, in section 2, by inserting after item 0540-2100 the following item:—

"0540-2200	For the purpose of conducting a feasibility study to investigate the relocation of the Northern Middlesex registry of deeds and report to the house and senate ways and means committees no later than May 1, 1999, there is hereby established a special committee consisting of the register of deeds of Northern Middlesex, two members of the house of representatives, one member of the senate, an appointee of the secretary of administration and finance and an appointee of the state secretary	50,000".

The amendment was *rejected*.
Ms. Walsh moved to amend the bill, in section 2, by inserting after item 0612-1010 the following item:—

"0612-1506	For a reserve to meet the commonwealth's obligation for the fiscal year ending June 30, 1999, pursuant to section 22B of chapter 32 of the General Laws, to reduce the unfunded pension liabilities of public retirement systems, other than state employee and state teachers systems; provided, that the distribution from this reserve shall be based upon a determination by the secretary of administration and finance of actual payroll costs for the fiscal year ending June 30, 1998	5,993,706".

The amendment was *rejected.*
Mr. Lynch and Ms. Wilkerson moved to amend the bill, in section 2, in item 0340-0100, by inserting after the words "$125,000 shall be expended for a" the following words:— "North Dorchester".
The amendment was *rejected.*
Messrs. Lees, Tisei and Knapik moved to amend the bill, in section 2, by striking out item 0640-0010 and inserting in place thereof the following item:—

"0640-0010	For the promotional activities associated with the state lottery program; provided, that such promotional activities shall include participation of all counties; and provided further, that 25 per cent of this appropriation shall be transferred quarterly from the State Lottery Fund to the general fund	400,000".

The amendment was *rejected.*
Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 0640-0300, by adding the following proviso:— "provided further, that not less than $400,000 shall be expended for the repair and renovation of Tuckerman Hall in Worcester and that not less than $25,000 shall be expended for the Central Massachusetts Symphony Orchestra's Summer Family Concert Series".

The amendment was *rejected.*

Mr. Clancy moved to amend the bill, in section 2, in item 0640-0350, by adding the following words:— " ; provided further, that $200,000 shall be expended for renovations to the Lynn Arts Cultural Center Building in the city of Lynn".

The amendment was *rejected.*

Ms. Wilkerson and Messrs. Lynch and Joyce moved to amend the bill, in section 2, in item 0810-0000, by inserting after the words "safe neighborhood initiative, so-called;" the following words:— "provided further, that the sum of $250,000 shall be expended from the funds appropriated herein for a safe neighborhood initiative pilot program in the Dorchester section of the city of Boston;".

The amendment was *rejected.*

Messrs. Shannon and Joyce, Ms. Jacques, and Messrs. Tolman, Magnani and Nuciforo moved to amend the bill, in section 2, in item 0810-0000, by striking out the words "provided further, that funds shall be expended in an amount not less than was expended in fiscal year 1998 for the salaries and expenses of the safe neighborhood initiative, so-called;"; and by inserting after item 0810-0000 the following item:—

"0810-0010	For the operation of the safe neighborhood initiative so-called; provided further, that funds shall be expended in an amount not less than was expended in fiscal year 1998 for the salaries and expenses of the safe neighborhood initiative so-called; provided further, that not less than $250,000 be expended on a grants program for the safe neighborhood initiative-jobs for youth program; and provided further, that an additional $250,000 shall be expended from the funds appropriated herein for a safe neighborhood initiative pilot program in the Dorchester neighborhood in the city of Boston	898,000".

The amendment was *rejected.*

Mr. Joyce moved to amend the bill, in section 2, in item 0810-0000, by striking out the words "provided further, that funds shall be expended in an amount not less than what was expended in fiscal year 1998 for the salaries and expenses of the safe neighborhood initiative, so-called"; and, in section 2, by inserting after item 0810-0000 the following item:—

"0810-0010	For the operation of the safe neighborhood initiative so-called; provided further, that funds shall be expended in an amount not less than was expended in fiscal year 1998 for the salaries and expenses of the safe neighborhood initiative so-called; provided further, that an additional $250,000 shall be expended for the funds appropriated herein for a safe neighborhood initiative pilot program in the Dorchester neighborhood in the city of Boston	898,000".

The amendment was *rejected.*

Messrs. Keating and Antonioni, Ms. Pines, Mr. Tolman, Ms. Fargo, Ms. Murray and Mr. Panagiotakos moved to amend the bill, in section 2, in item 0840-0100, by striking out the figure "305,661" and inserting in place thereof the following figure:— "317,839".

The amendment was *rejected.*

Messrs. Keating and Antonioni, Ms. Pines, Mr. Tolman, Ms. Fargo, Ms. Murray and Messrs. Nuciforo and Panagiotakos moved to amend the bill, in section 2, by striking out item 0840-0101 and inserting in place thereof the following item:—

"0840-0101	For the statewide implementation of the safeplan advocacy program; provided, that the amount allocated herein shall be expended on the salaries and employee benefits of said safeplan advocates; provided further, that said program shall be instituted in the probate and family courts of the commonwealth; provided further, that $37,000 from said program shall be made available	876,182".

for the salary and expenses of a coordinator or supervisor of said program within the Massachusetts office for victim assistance; provided further, that said office shall submit to the house and senate committees on ways and means on or before February 3, 1999 a report detailing the effectiveness of contracting for said program including, but not limited to, the number and types of incidents to which such advocates responded, the types of service and service referrals provided by such domestic violence advocates, the cost of providing such contracted services and the extent of coordination with other service providers and state agencies

The amendment was *rejected.*

Mr. Moore and Ms. Jacques moved to amend the bill, in section 2, in item 1100-1103, by striking out the figure "421,902" and inserting in place thereof the following figure:— "551,320".

The amendment was *rejected.*

Mr. Tolman moved to amend the bill, in section 2, in item 1100-1104, by adding after the words "and related services" the following words:— " ; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the office of dispute resolution may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the cost of personnel".

After remarks, the amendment was adopted.

Ms. Pines, Messrs. Tolman, Keating and Berry, Ms. Fargo and Mr. Tisei moved to amend the bill, in section 2, in item 1107-2400, by striking out the figure "615,771" and inserting in place thereof the following figure:— "712,042".

The amendment was *rejected.*

Mr. Clancy moved to amend the bill, in section 2, in item 1107-2501, by striking out the figure "1,505,053" and inserting in place thereof the following figure:— "1,689,713"; and in said item by adding at the end the following proviso:— "provided, further that $184,660 of said sum shall be solely utilized in the following manner: the sum of $30,977 be used to cover expenses incurred in moving the commission upon the expiration of its lease; the sum of $137,908 be used to cover the increase in rent expenditure; the sum of $15,775 be used to cover the expense of the 24 hour abuse reporting hotline; and provided, further that no part of said $184,660 shall be utilized to fund payroll expenses without the prior approval of the chairmen of both the house and senate committees on ways and means".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 1107-2501, by adding after the words "rehabilitative commission", the following words:— "; provided, that not less than $100,000 shall be expended by the office of the child advocate established in section 14 of chapter 19C of the General Laws"; in section 2, in item 1107-2501, by striking out the figure "1,505,053" and inserting in place thereof the following figure:— "1,605,053"; and by inserting after section 19 the following section:— "SECTION 19A. Chapter 19C of the General Laws is hereby amended by inserting after section 13 the following section:— Section 14. (a) There is hereby established within the disabled persons protection commission, the office of the child advocate. Within said office there shall be the child fatality and serious bodily injury review board. The board shall investigate any instance of fatality or serious bodily injury to a child, as defined in section 13(k) of chapter 265, which occurs while said child is in the custody of any state department or agency. Members of the board shall not be compensated for their services unless otherwise provided for in this section, but may be reimbursed for necessary expenses incurred in the performance of their duties. The office of the child advocate may expend funds as needed for the fulfillment of its duties.

(b) The board shall be composed of four members appointed by the governor in consultation as follows: a pediatrician appointed in consultation with the Massachusetts chapter of the American Academy of Pediatrics; a member of law enforcement, appointed in consultation with the office of the superintendent of the Massachusetts department of state police; a child welfare advocate, appointed in consultation with the Massachusetts society for the prevention of cruelty to children; the attorney general or his designee; and one member to be known as the child advocate, who shall serve as the director of the office of the child advocate and shall be appointed by the board. Members of the board shall not serve for not more than five consecutive years.

(1) The child advocate shall conduct an investigation into any fatality or serious bodily injury to a child as provided for above and shall receive compensation. If requested in writing by the child advocate, the departments within the office of health and human services, the juvenile court system, any department of law enforcement, and any other appropriate agency shall disclose such documents relevant to the investigation. For the purposes of this section the word "document' shall include, but not be limited to, any records, charts, reports, review, assessments, papers, correspondences and any other data or material.

(2) Any privilege created by statute or common-law relating to confidential communications or any statute prohibiting the disclosure of information shall neither preclude the disclosure of such documents to the child advocate, nor prevent the admission of such documents in any civil or disciplinary proceeding arising out of the investigation; provided, however, that absent the

written consent of an individual to whom the requested document relates, any information which is protected by the attorney-client privilege, the psychotherapist-client privilege, or the clergy-penitent privilege shall not be subject to such disclosure. The board shall attempt to identify the cause of death or serious bodily injury to said child, and shall release a report of their findings no later than three months after the fatality or serious bodily injury is reported."

The amendment was *rejected*.

Ms. Walsh moved to amend the bill, in section 2, in item 1110-1000, by striking out the figure "568,947" and inserting in place thereof the following figure:— "618,171".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, in item 1120-4005, by striking out the figures "1,090,889" and inserting in place thereof the following figure:— "1,297,853".

The amendment was *rejected*.

Mr. Keating and Ms. Wilkerson moved to amend the bill, in section 2, in item 1150-5100, by striking out the words "an additional $100,000" and inserting in place thereof the following words:— "an additional $350,000"; and, in section 2, in item 1150-5100, by striking out the figure "1,442,522" and inserting in place thereof the following figure:— "1,692,522".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section2, in item 1232-0300, by inserting after the words "chapter 148 of the General Laws", the following proviso:— "; provided, that not more than $40,000 shall be expended for the removal of underground storage tanks in the town of Florida".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 1410-0012, by striking out the words "$90,420 shall be obligated for a contract with the Montachusett Veterans Outreach Center in Gardner" and inserting in place thereof the following words:— $125,000 shall be obligated for a contract with the Montachusett Veterans Outreach Center in Gardner", and, in section 2, in item 1410-0012, by striking out the figure "905,172" and inserting in place thereof the following figure:— "939,752".

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill, in section 2, in item 1410-0012, by striking out the words "$203,500 shall be obligated" and inserting in place thereof the following words:— "$250,000 shall be obligated".

The amendment was *rejected*.

Ms. Melconian moved to amend the bill, in section 2, in item 1410-0012, by striking out the figure "66,000" and inserting in place thereof the following figure:— "100,000".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 1410-0250, by striking out the words "$42,525 shall be obligated for a contract with Unity House;" and inserting in place thereof the following words:— "$50,000 shall be obligated for a contract with Unity House"; and in section 2, in item 1410-0250, by striking out the figure "3,224,050" and inserting in place thereof the following figure:— "3,231,525".

The amendment was *rejected.*

Ms. Pines moved to amend the bill, in section 2, in item 1410-0250, by striking out the words "that not less than $2,073,750" and inserting in place thereof the following words:— "that not less than $2,250,000"; and, in said section 2, in item 1410-0250, by striking out the figure "3,224,050" and inserting in place thereof the following figure:— "3,400,300".

The amendment was *rejected.*

Messrs. Shannon and Havern moved to amend the bill, in section 2, in item 1410-0300, by adding the following words:— " ; and provided further, that not more than $100,000 shall be expended to publicize the annuity entitlement program."

The amendment was *rejected.*

Mr. Moore moved to amend the bill, in section 2, in item 1410-0400, by inserting after the word "Laws" the following words:— " ; and provided, that subject to the approval of the commissioner of veteran's services, not less than $147,473 shall be paid to the town of Oxford as reimbursement for veterans' benefits paid by said town of Oxford in the years 1991 to 1994, inclusive,"; and in said section 2, in item 1410-0400, by striking out the figure "8,033,000" and inserting in place thereof the following figure:— "8,180,473".

The amendment was *rejected.*

Messrs. Keating and Shannon moved to amend the bill, in section 2, by inserting after item 1410-0620 the following item:—

"1410-0622	For a contribution by the commonwealth to the cost of construction of the MIA/POW Eternal Flame at the Massachusetts National Cemetery at Bourne	14,000".

After remarks, the amendment was adopted.

Mr. Shannon moved to amend the bill, in section 2, by inserting after item 1599-0036 the following item:—

"1599-xxxx	For the repair and completion of rehabilitation of the Chevalier Auditorium in Medford	750,000".

The amendment was *rejected.*

Mr. Travaglini moved to amend the bill, in section 2, in item 1599-6897, by inserting after the words "fiscal year 1998", the following words:— " ; provided further, that comprehensive family planning providers shall receive allocations in any event".

After debate, the amendment was adopted.

Mr. Tolman moved to amend the bill, in section 2, in item 1599-6897, by inserting after the words "executive office of elder affairs" the following words:— " ; the executive office of administration and finance;".

The amendment was *rejected.*

Mr. Hedlund moved to amend the bill, in section 2, by inserting after item 1599-7007 the following item:—

"1599-9150	For a reserve to implement the Massachusetts bay transportation authority forward funding initiative, so-called; provided, that the said reserve shall be available for the initial debt service payment on bonds issued for the purposes of defeasing all outstanding notes of the Massachusetts bay transportation authority and the commonwealth incurred on the behalf of said authority, for the amortization of other debt or deficiencies incurred by or on behalf of said authority, and for planning and preliminary implementation costs necessary to establish said authority as a self-financing entity not later than July 1, 1999; provided further, that the treasurer and receiver general of the commonwealth is hereby authorized and directed to defease such notes in fiscal year 1999 pursuant to the terms and conditions established in section 2K of chapter 205 of the acts of 1996 or any subsequent statutory authority established for such purposes; provided further, that the secretary of administration and finance shall prepare an analysis of said authority's finances not later than December 1, 1998 that identifies all assets and liabilities of said authority; provided further, that said analysis shall include an evaluation of all outstanding debt backed by the full faith and credit of the commonwealth that require ongoing appropriations, if any; and provided further, that said analysis shall identify any funding needs of said authority that require resolution prior to said July 1 to assure the ability of said authority to operate as a self-financing authority	21,000,000".

The amendment was *rejected.*

Mr. Moore and Ms. Walsh moved to amend the bill in section 2, in item 1750-0200, by striking out the figure "910,754" and inserting in place thereof the following figure:— "1,537,170"; in section 2, in item 1750-0102, by striking out the words "expend revenues up to a maximum of $787,699" and inserting in place thereof the following words:— "expend revenues up to a maximum of $1,537,170"; and in section 2, in item 1750-0102, by striking out the figure "787,699" and inserting in place thereof the following figure "1,537,170".

The amendment was *rejected.*

Messrs. Clancy, Tarr, Berry, Hedlund and Montigny moved to amend the bill, in section 2, in item 2000-0100, by striking out the words:— "that not less than $200,000 shall be expended on a program of coastal resources monitoring and restoration focusing on all coastal regions of the Commonwealth; provided further, that said program shall include technical assistance through the Massachusetts bays program, so-called, and inserting in place thereof the following words:— "that not less than $400,000 shall be expended on a program of coastal resources monitoring and restoration focusing on all coastal regions of the commonwealth; provided further, that said program shall include not less than $75,000 for technical assistance through the Massachusetts bays program, so-called."; and by striking out the figure "2,331,729" and inserting in place thereof the following figure:— "2,531,729".

The amendment was *rejected.*

Mr. Magnani, Ms. Pines, Messrs. Amorello and Brewer, Ms. Fargo and Messrs. Lynch, and Tarr moved to amend the bill, in

section 2, in item 2000-0100, by adding the following proviso:— " ; provided, however, that not less than $835,000 of the amount appropriated herein shall be expended on the operation of an office of geographic and environmental information systems, as established by section 4B of chapter 21A of the General Laws,"; and in section 2, in item 2000-0100, by striking out the figure "2,331,792" and inserting gin place thereof the following figure:— "3,166,729"; and by adding the following section:—

"SECTION . Chapter 21A of the General Laws is hereby amended by inserting after section 4A, as appearing in the 1996 Official Edition, the following section:—

Section 4B. There is hereby established within the executive office of environmental affairs an office of geographic and environmental information. It shall be the responsibility of said office to collect, consolidate, store, and provide geographical and environmental information in order to improve stewardship of natural resources and the environment, promote economic development, and guide land-use planning, risk assessment, emergency response, and pollution control. In order to accomplish the purposes of the foregoing, the duties of said office shall include, but not be limited to:

(a) fostering cooperation among local, state, regional, and federal government agencies, academic institutions, and the private sector in order to improve the quality, access, cost-effectiveness and utility of geographical and environmental information as a strategic resource for the state;

(b) coordinating data/sharing and executing data/sharing agreements among all levels of government and private users; identifying, developing, correcting, updating, distributing, and assembling geographical and environmental data;

(d) setting standards for the acquisition and management of geographical environmental data by any agency, authority, or other political subdivisions of the commonwealth;

(e) providing technical assistance, training, and computer hardware, software, and programming to municipalities, regional agencies, or any political subdivisions of the commonwealth;

(f) archiving and serving as a depository for geographical and environmental information and developing public access to and distribution of said information;

(g) creating a network of regional service centers, subject to appropriation, to assist in the commonwealth and its political sub-divisions and the public in developing and using GIS technology and data;

(h) requiring that all GIS data funded through grants in any part by the state shall conform to standards developed by the office and be made available for distribution;

(I) creating a category of commonwealth resources of the natural, cultural, and historical resources in need of protection;

(j) establishing a competitive grants program, subject to appropriation, for municipalities and regional agencies;

(k) setting up a geographic information advisory committee comprised of representatives from state agencies, regional and local entities, academic institutions, non-profit organizations, and the private sector, which shall provide an annual report for strengthening the geographic information system to the joint committee on natural resources and agriculture and the office; and

(l) coordinating the development and dissemination of scientific and technical expertise to support an interagency cross disciplinary approach to natural resource management.".

The amendment was *rejected.*

Mr. O'Brien moved to amend the bill, in section 2, in item 2001-1003, by inserting after the words "non-public entities", the following proviso:— "provided that not less than $150,000 shall be expended on local planning aid"; and, in section 2, in item 2001-1003, by striking out the figure "500,000" and inserting in place thereof the following figure:— "650,000".

The amendment was *rejected*.

Messrs. Jajuga and Clancy moved to amend the bill, in section 2, in item 2001-1003, by adding the following proviso:— "; provided further, that not less than $150,000 shall be expended on local planning aid"; and by striking out the figure "500,000" and inserting in place thereof the following figure:— "650,000".

The amendment was *rejected*.

Messrs. Durand, Antonioni, Ms. Pines, Mr. Jajuga, Ms. Fargo and Messrs. Amorello, Nuciforo and Tolman moved to amend the bill, in section 2, in item 2001-1003, by inserting after the words "non-public entities;" the following words:— "provided, that not less than $250,000 shall be expended on a program for volunteer monitoring; provided further, that $150,000 shall be expended for communities connected by water grants, so-called, for watersheds; and"; and, by striking out, in said item, the figure "500,000" and inserting in place thereof the following figure:— "900,000".

The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, in line item 2001-1003, by adding the following proviso:— "; and provided, further, that not less than $100,000 shall be expended for volunteer water quality monitoring".

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill, in section 2, in item 2010-0100, by inserting after the words "recycling loan fund;" the following words:— "provided further, that not less than $100,000 shall be expended for a public education campaign to encourage participation in existing curbside pickup recycling programs in the city of Boston;".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, by inserting after item 2010-0100 the following item:—

"2010-0110	For the operation of recycling cooperatives including grants to public and non-public entities	350,000".

The amendment was *rejected*.
Mr. Hedlund moved to amend the bill, in section 2, in item 2010-0100, by adding the following words:— "; provided further, that not less than $70,000 shall be expended as a grant to the South Shore recycling cooperative, so-called, to finance not more than 50 per cent of its anticipated start-up and operating expenses during the fiscal year; and provided further, that each of the member towns of said cooperative pay a proportional share of the remainder of such expenses".
The amendment was adopted.
Mr. Nuciforo moved to amend the bill, in section 2, in item 2100-2030, by inserting after the words "Red Lily Pond Project Association", the following proviso:— "; provided further, that not more than $100,000 shall be expended for the explicit purpose of stopping the erosion on the Kitchen Brook in the town of Cheshire in the vicinity of Nejaimes Market in said town".
The amendment was *rejected*.
Messrs. Brewer and Creedon moved to amend the bill, in section 2, in item 2100-2030, by striking out the figure "24,095,281" and inserting in place thereof the following figure:— "26,095,281".
The amendment was *rejected*.
Mr. Tisei moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; and provided further, that not less than $10,000 shall be obligated for the repair and renovation to the boardwalk and educational visitor center at Reedy Meadow located in Lynnfield and Wakefield".
The amendment was *rejected*.
Mr. Montigny moved to amend the bill, in section 2, in item 2100-2030, by striking out the figure "125,000" and inserting in place thereof the following figure:— "175,000".
The amendment was *rejected*.
Ms. Fargo moved to amend the bill, in section 2, in item 2100-2030, by adding the following proviso:— "; provided further, that not more than $50,000 shall be expended for repairs, trail building and improvements to Southwell Fields Park in the town of Chelmsford".
The amendment was *rejected.*
Messrs. Creedon and Morrissey moved to amend the bill, in section 2, in item 2100-2040, by inserting after the word "employees" the following words:— "; provided, that not more than $150,000 shall be expended to complete the construction of a boardwalk in Ames Nowell state park in the town of Abington".
The amendment was *rejected*.
Mr. Jajuga moved to amend the bill, in section 2, in item 2100-2040, by striking out the words "Maudsley State Park" and inserting in place thereof the following words:— "Salisbury State Reservation".
After remarks, the amendment was adopted.
Mr. Havern moved to amend the bill, in section 2, by striking out item 2100-2040 and inserting in place thereof the following item:—

"2100-2040	For additional expenses, upkeep and improvements to the department of environmental management's parks and recreation system; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; provided further, that the department may make grants to public and nonpublic entities; provided further, that the department shall expend not less than $90,000 for maintenance and capital needs at Maudslay state park; provided further, that not less than $300,000 shall be expended for general maintenance and repairs to the Warren Manning state park; provided further, that said $300,000 shall be used to replace the wading pool in said park; and provided further, that not less than $50,000 shall be expended for the design and repair of the historic one-room schoolhouse at Moore state park in the town of Paxton	2,800,000".

The amendment was *rejected*.
Mr. Morrissey moved to amend the bill, in section 2, in item 2100-2040, by adding the following proviso:— "; provided further, that not less than $100,000 shall be granted to the city of Quincy for the purpose of rehabilitation and restoration of a Frederick Law Olmstead designed park, known as "Merrymount Park", in said city".
The amendment was *rejected.*
Mr. Creedon moved to amend the bill, in section 2, by inserting after item 2100-2045 the following item:—

"2100-2046	For a program of community assistance to plan and improve public shade trees, and for an assessment study and readiness planning to protect trees from future storm damage, including matching grants to public and non-public entities	740,000".

The amendment was *rejected*.

Ms. Pines and Mr. Joyce moved to amend the bill, in section 2, by inserting after item 2100-3011 the following item:—

"2100-3012	For the planning, design, permitting and implementation of flood mitigation and environmental restoration projects in the Muddy River in Boston and Brookline	1,500,000".

The amendment was *rejected*.

Mr. Travaglini, Ms. Wilkerson, Mr. Lynch and Ms. Walsh moved to amend the bill, in section 2, by inserting after item 2110-0111 the following item:—

"2110-0112	To the city of Boston for the purpose of awarding grants to one or more existing innovative recycling programs to enhance the collection, processing or post-consumer marketing of plastic wastes generated by commercial and institutional entities of which not more than $25,000 may be expended for the evaluation and administration of the programs	275,000".

The amendment was *rejected*.

Ms. Pines moved to amend the bill, in section 2, in item 2200-0100, by striking out the words "the board of registration of hazardous waste cleanup professionals,"; and by inserting after item 2260-8870 the following item:—

"2260-8881	For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding the provisions of section 19A of chapter 21A of the General Laws	323,810
	Environmental Challenge Fund	100.0%".

The amendment was *rejected*.

Ms. Pines moved to amend the bill in section 2, in item 2200-0100, by striking out the words "; and provided further, that $50,000 shall be transferred from this item to the University of Massachusetts at Amherst soil and science department for the purpose of collecting data from, and evaluating innovative greywater recycling systems"; and in section 2, in item 7100-0200, by adding the following proviso:— "; and provided further, that not less than $50,000 shall be expended by the University of Massachusetts at Amherst, Soil and Science Department, for the purpose of collecting data from, and evaluating innovative greywater recycling systems"; and in section 2, in item 7100-0200, by striking out the figure "430,541,727" and inserting in place thereof the figure "430,591,727".

The amendment was *rejected*.

Ms. Pines and Mr. Joyce moved to amend the bill, in section 2, in item 2200-0100, by inserting after the words "programmatic responsibilities of the department;" the following words:— "provided further, that not less than an additional $250,000 be expended for the operation of the Wall experimental station"; and in section 2, in item 2200-0100, by striking out the figure "25,657,160" and inserting in place thereof the following figure:— "25,907,160".

The amendment was *rejected.*

Mr. Morrissey moved to amend the bill, in section 2, in item 2200-0100, by adding the following proviso:— "; and provided further, that not more than $300,000 be appropriated for the engineering and design of the extension of the existing sewerage system in the town of Holbrook and that prior to the release of said funds from this item for said engineering and design, said town shall provide a 100 per cent match from other sources for said purpose."

The amendment was *rejected.*

Ms. Fargo and Mr. Havern moved to amend the bill, in section 2, in item 2200-0100, by adding the following proviso:— "; and provided further, that not more than $28,000 be expended for the Hanscom Field Advisory Commission to hire a consultant to study and make recommendations for aviation noise issues at Hanscom Field."

The amendment was *rejected.*
Mr. Joyce moved to amend the bill, in section 2, in item 2200-0106, by adding the following proviso:— "; and provided further, that the department of environmental protection shall expend $600,000 for water conservation and leak detection in the town of Randolph and Holbrook."
The amendment was *rejected.*
Mr. Durand moved to amend the bill, in section 2, by inserting after item 2200-0100, the following item:—

"2200-0108	For the purpose of establishing a pilot program to enhance and support the capabilities of local boards of health, conservation commissions and municipal planning boards and other local boards in the conduct of their duties to protect the public health and the environment; provided, that this assistance shall include, but not be limited to, the training of professional staff and appointed or elected board members, the provision of professional and contract services and other necessary support activities which contribute to the increased capability of these boards to manage their watershed resources, make environmentally sound permitting and regulatory decisions, and otherwise contribute to local capacity building in these areas; and provided further, that an advisory committee may be appointed by the commissioner of environmental protection in consultation with the professional associations which represent the members of the affected local boards to assist in the development of guidelines for the program and assist in the evaluation of its effectiveness	750,000".

The amendment was *rejected.*
Mr. Lees moved to amend the bill, in section 2, by striking out item 2200-0150.
The amendment was *rejected.*
Ms. Pines moved to amend the bill, in section 2, in item 2250-2010, by striking out the wording and inserting in place thereof the following wording:— "For the technology modernization initiative, so-called, of the Wall Experiment Station; provided that all expenses charged to this item be structured as one time costs 150,000".
The amendment was *rejected.*
Mr. O'Brien moved to amend the bill by striking out item 2250-2210 and inserting in place thereof the following item:—

"2250-2010	The department of environmental protection is hereby authorized to expend revenues in an amount not to exceed $150,000 for technology modernization initiative, so called, of the Wall Experiment Station; and provided further, that all expenses charged to this item be structured as one time costs	150,000".

The amendment was *rejected.*
Ms. Pines moved to amend the bill, in section 2, by inserting after item 2260-8870 the following item:—

"2260-8875	For the purpose of conducting audits of hazardous material and oil sites as required under the provisions of subsection (o) of section 3A of chapter 21E of the General Laws	550,000".

The amendment was *rejected.*
Ms. Jacques moved to amend the bill, in section 2, in item 2260-8870, by adding the following words:— "; and provided further, that not less than $1,200,000 shall be expended for the remediation of the toxic trichlorethylene plume in Needham and Wellesley that has migrated from the Microwave Development Laboratories site in Needham".
The amendment was *rejected.*

Mr. Rauschenbach moved to amend the bill, in section 2, in item 2310-0200, by striking out the figure "6,860,354" and inserting in place thereof the following figure:— "3,440,000"; and, in section 2, by inserting after item 1599-0002 the following item:—

"1599-0003	For a reserve to fund the administrative expenses of the department of fisheries, wildlife and environmental law enforcement as provided for in section 2 in item 2310-0200, which reserve shall be released to the department upon the implementation of the provisions of item 2310-8960 of section 2 of chapter 15 of the acts of 1996	3,420,354".

The amendment was *rejected.*

Mr. Brewer moved to amend the bill, in section 2, in item 2320-0100, by striking out the figure "250,244" and inserting in place thereof the following figure:— "300,000".

After remarks, the amendment was adopted.

Mr. Brewer moved to amend the bill, in section 2, in item 2320-0200, by striking out the figure "600,001" and inserting in place thereof the following figure:— "800,000".

After remarks, the amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2, in item 2320-0200, by striking out the words "that $170,000 shall be expended for repairs to a certain fish pier in the town of Swampscott; and provided further,".

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the bill, in section 2, in item 2330-0100, by striking out the figure "3,972,466" and inserting in place thereof the following figure:— "4,136,491".

The amendment was *rejected.*

Mr. Tarr moved to amend the bill, in section 2, in item 2330-0100, by adding the following proviso:— "; and provided further, that $80,000 shall be expended for the Massachusetts Fishery Recovery Commission."; and by striking out the figure "3,972,446" and inserting in place thereof the following figure:— "4,216,491".

The amendment was *rejected.*

Mr. Tarr moved to amend the bill by adding the following section:—

"SECTION . The secretary of environmental affairs and the secretary of administration and finance shall undertake a comprehensive study of all state and federal funds expended by the commonwealth since 1990 for the purposes of assisting the commercial fishing industry. Said study shall include a review of all funding programs and an analysis of the efficacy.".

The amendment was *rejected.*

Ms. Pines moved to amend the bill, in section 2, in item 2350-0100, by inserting after the words "environmental police officer;" the following words:— "provided further, that not less than a total of ten officers shall be assigned to the environmental strike force within the office of the attorney general;"; and, in item 2350-0100, by striking out the figure "9,208,025" and inserting in place thereof the following figure:— "10,291,061".

The amendment was *rejected.*

Mr. Joyce moved to amend the bill, in section 2, in item 2410-1001, by adding the following proviso:— " ; and provided further, that the commission shall expend $50,000 for the purpose of funding a Neponset River Reservation Manager.".

The amendment was *rejected.*

Ms. Pines moved to amend the bill, in section 2, in item 2440-0010, by striking out the words "that not less than $150,000 shall be expended for the costs associated with the management of aquatic" and inserting in place thereof the following words:— "that not less than $190,000 shall be expended for the costs associated with the management of aquatic"; and, in section 2, in item 2440-0010, by striking out figure "26,971,907" and inserting in place thereof the following figure:— "27,011,907".

The amendment was *rejected.*

Ms. Wilkerson and Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by inserting after the words "southwest corridor park;" the following words:— "provided further, that the commission shall develop a study detailing the maintenance needs of the southwest corridor park, so-called, in the city of Boston, including a two-year plan to repair the facilities of said park; provided further, that said $150,000 shall be used for contracted personnel and other resources necessary to implement such plan, including the cost of two horticulturists and a supervisor; provided further, that no full-time equivalent positions shall be added for the purposes of developing or implementing such plan;".

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— " ; provided, further, that not less than $3,000,000 shall be granted to the town of Belmont for the purpose of acquisition of open space land at the McLean Hospital site, provided that said town of Belmont shall grant conservation restrictions and public access easements in at least 100 acres of such open space to the metropolitan district commission for no consideration; and provided, that other sources match these funds with at least $3,000,000 toward the total costs of further open space acquisition"; and in said section 2, in said item 2440-0010, by striking out the figure "26,971,907" and inserting in place thereof the following figure:— "29,971,907".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, in item 2440-0010, by striking out the words "provided further, that not less than

$51,000 shall be expended to assess flood damage to Pine Banks Park and Forestdale Cemetery" and inserting in place thereof the following proviso:— "provided further, that not less than $51,000 shall be expended to assess flood damage to Pine Banks Park and Forestdale Cemetery, and said funds shall be administered by the city of Malden".
The amendment was *rejected.*
Ms. Walsh moved to amend the bill, in section 2, in item 2440-0010, by striking out the figure "26,971,907" and inserting in place thereof the following figure:— "27,674,206".
The amendment was *rejected.*
Messrs. Lynch and Joyce moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— " ; provided further, that all bridge operators classified as bridge operators 1 or bridge operators 2 receive four step increases in salary whereby a bridge operator 1 will be increased from a step 10 to a step 14 and whereby a bridge operator 2 will be increased in salary from a step 12 to a step 16".
The amendment was *rejected.*
Mr. Lynch, Ms. Pines and Mr. Travaglini moved to amend the bill, in section 2, in item 2440-0010, by adding the following proviso:— "; provided further, that $100,000 shall be expended for improvements to the land and the facilities of the Charles River Esplanade in the city of Boston including the replacement and rededication of the plaque commemorating former governor and mayor of Boston Maurice Tobin", and, in section 2, in item 2440-0010, by striking out the figure "26,971,907" and inserting in place thereof the following figure:— "27,071,07".
The amendment was *rejected*.
Ms. Fargo moved to amend the bill, in section 2, in item 2440-0010, by adding the following proviso:— "; and provided further, that the commission shall assign a minimum of one park ranger to patrol the MDC park on Recreation Road in the town of Weston from 9:00 a.m. until 6:00 p.m. each day between May 1 and September 30".
After debate, the amendment was adopted.
Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by inserting after the words "Neponset bike path project manager"; the following words:— "provided further, that not less than $100,000 shall be expended for the rehabilitation of the Brookwood farm located in the town of Canton".
The amendment was *rejected*.
Messrs. Joyce and Morrissey moved to amend the bill, in section 2, in item 2444-9004, by striking out the figure "350,000" and inserting in place thereof the following figure:— "400,000".
The amendment was *rejected*.
Mr. Magnani moved to amend the bill, in section 2, in item 2511-0100, by inserting after the words "provided further, that not less than $49,976 be expended on the rabies control program;" the following proviso:— "provided further, that $300,000 shall be made available to Massachusetts agencies certified by the commissioner of the department of food and agriculture for all or part of the costs of preparing and placing for adoption greyhounds bred for racing who have reached the end of their racing career or for all or part of the costs incurred by such agencies for the humane disposition and cremation of said greyhounds;".
The amendment was *rejected*.
Ms. Jacques moved to amend the bill, in section 2, by inserting after item 2511-0100 the following item:—

"2511-0101	For a reimbursement program for vendors which are certified by the commissioner of the department of food and agriculture pursuant to section 7A of chapter 128C of the General Laws, for all or part of the costs of preparing and placing for adoption greyhounds bred for racing which have reached the end of their racing career or for all or part of the costs incurred by such vendors for the humane disposition of said greyhounds	150,000
	Greyhound Disposition and Adoption Trust Fund	100.0%".

and by adding the following section:—
"SECTION 62A. Chapter 28C of the General Laws is hereby amended by inserting after section 7 the following two sections:—
Section 7A. There is hereby established a trust fund to be known as the Greyhound Humane Disposition and Adoption Trust Fund, under the direction and supervision of the commissioner of the Department of Food and Agriculture or his designee as trustee of said trust.
Said trustee may expend without appropriation amounts deposited in said fund for the costs of adoption or humane disposition of greyhounds bred for racing who never qualify for pari-mutuel races, or of racing greyhounds who have reached the end of their racing career.
Said trustee may prescribe terms and conditions for such expenditures provided that no such expenditure shall be authorized by the trustee pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity which owns, operates, holds any interest in any racetrack or other facility which operates pari-mutuel racing of greyhounds, or is licensed to operate such a facility pursuant to section 3 of chapter 128A.

Said trustee shall require such documents as the trustee may deem necessary to verify that expenditures from the trust were carried out in accordance with the provisions of this section.
Section 7B. The state racing commission shall collect from each person, partnership or corporation licensed to conduct a dog racing meeting pursuant to section 3 of chapter 128A, a fee based upon such licensee's proportion of the total aggregate handle wagered on live greyhound racing in the commonwealth in the previous calendar year. All such fees so collected shall be deposited into the Greyhound Disposition and Adoption Trust Fund; provided, that the annual aggregate amount of said fee shall total $150,000".
The amendment was *rejected.*
Ms. Melconian and Mr. Lees moved to amend the bill, in section 2, in item 2511-0105, by adding the following words:— "; provided further, that not less than $138,000 shall be expended for Open Pantry Community Services, Inc., in Springfield".
The amendment was *rejected.*
Mr. Magnani moved to amend the bill, in section 2, in item 2511-0105, by inserting after the words "Worcester county food bank"; the following proviso:— "provided further, that $50,000 shall be expended for improvements to the kitchen facilities of the Framingham Civic League, Inc., and that $9,000 shall be expended to reimburse said civic league for the costs of food purchased in fiscal year 1998;".
The amendment was *rejected*.
Mr. Panagiotakos moved to amend the bill, in section 2, in item 2511-0105, by adding the following words:— "; and provided further, that $70,000 shall be expended to install a freight elevator and to purchase a large walk-in freezer to increase the cold storage capacity of the Merrimack valley food bank".
The amendment was *rejected*.
Mr. Joyce moved to amend the bill, in section 2, in item 2511-0105, by adding the following proviso:— "and provided further, that not less than $25,000 shall be expended for the operation of the Randolph Food Pantry located in the town of Randolph.
The amendment was *rejected.*
Mr. Antonioni moved to amend the bill, in section 2, in item 2511-3002, by striking out the figure "399,500" and inserting in place thereof the following figure:— "674,540".
The amendment was *rejected.*
Messrs. Keating and Morrissey and Ms. Jacques moved to amend the bill, in section 2, in item 2520-1200, by adding the following words:— ", prior appropriation continued".
The amendment was adopted.
Ms. Wilkerson moved to amend the bill, in section 2, in item 4000-0111, by striking out the figure "8,424,000" and inserting in place thereof the following figure:— "6,324,000"; in said item 4000-0111, by striking out the words "provided further, that said services shall include not more than $2,100,000 for the Annie E. Casey project so-called;"; and, in said section 2, by inserting after item 4000-0100 the following item:—

"4000-0105	For the continuation of the funding in fiscal year 1999, for the pilot multi-disciplinary urban youth project known as the Annie E. Casey foundation initiative in fiscal year 1998; provided, that the goal of said project shall be to improve service delivery to those children and adolescents determined to be at risk of out of home placement by a court of competent jurisdiction, the department of social services, the department of youth services, the department of mental health or the school where said child is enrolled as a student; provided further, that the secretary of health and human services shall award a contract funded from this item to an existing community-based vendor providing said services in fiscal year 1998 meeting the terms of performance standards established by the secretary of health and human services, which shall include, but not be limited to, the specific types of services and costs of such services to be funded by said contract, and a delineation of all planned expenditures consistent with the expenditure classification system established by the comptroller; provided further, that no funds from this item shall be used to purchase capital assets or equipment; provided further, that any funds awarded from this item shall be in	3,000,000".

addition to and not supplant existing state funds; provided further, that any mental health services provided pursuant to said contract shall be delivered by licensed professionals in the mental health field; provided further, that expenditures made pursuant to said contract shall not annualize in fiscal year 2000 beyond the amount appropriated herein; provided further, that any such annualization expended by the commonwealth in said fiscal year shall be funded by agencies of the commonwealth based on a finding to be made by said secretary that said contract's performance standards have been achieved in a cost-effective manner; provided further, that said contract shall not be renewed in the event said finding is not made by May 1, 1999; and, provided further, that said secretary shall submit to the secretary of administration and finance and to the house and senate committees on ways and means the results achieved with the funding appropriated to said Casey initiative during fiscal years 1993 to 1999, inclusive

The amendment was *rejected.*

Ms. Wilkerson, Ms. Pines and Messrs. Morrissey and Keating moved to amend the bill, in section 2, in item 4000-0111, by inserting after the words "office of the attorney general" the following words:— "the office of refugees and immigrants".

After remarks, the amendment was adopted.

Messrs. Tolman and Keating moved to amend the bill, in section 2, in item 4000-0111, by inserting after the words "provided further, that said services shall include not more than $3,324,000 for domestic violence prevention and treatment services" the following words:— "provided further, that not less than $100,000 shall be expended for an address confidentiality for victims of domestic violence pilot program to be developed in conjunction with the state secretary and the Massachusetts Coalition of Battered Women Service Groups".

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill, in section 2, in item 4000-0111, by inserting after the words "provided further, that said services shall include not more than $3,324,000 for domestic violence prevention and treatment services" the following words:— " ; provided further, that not less than not more than $50,000 be authorized for On the Rise, Inc. in Cambridge".

After remarks, the amendment was adopted.

Ms. Melconian, Ms. Jacques and Mr. Jajuga moved to amend the bill, in section 2, in item 4000-0111, by striking out the words "and the district attorneys" and inserting in place thereof the following words:— "the district attorneys and the Massachusetts Coalition of Battered Women Service Groups which shall ensure regional participation of current service providers,"; in said section 2, in said item 4000-0111, by inserting after the words "service needs of this population" the following words:— "; provided further, that said plan shall also include proposed revisions to departmental regulations, in particular those which set formulas for funding and those which may create barriers to enhanced service provision, which revisions shall place emphasis on developing criteria for funding that will ensure appropriate regional distribution of services in order to maximize accessibility and create access to services"; and, in said section 2, in said item 4000-0111, by striking out the words "December 31" and inserting in place thereof the following words:— "November 12"

The amendment was adopted.

Messrs. Montigny and Pacheco moved to amend the bill, in section 2, in item 4000-0300, by adding the following words:— "; provided further, that the division shall authorize durable medical equipment that is prescribed for preventative services.".

After remarks, the amendment was adopted.

Ms. Melconian and Messrs. Montigny, Durand, Jajuga and Bernstein moved to amend the bill, in section 2, in item 4000-0600, by striking out the figure "1,506,037,000" and inserting in place thereof the following figure:— "1,517,037,000".

The amendment was *rejected.*

Mr. Rosenberg moved to amend the bill, in section 2, in item 4110-4000, by striking out the figure "1,657,733" and inserting in place thereof the following figure:— "1,675,811".

After remarks, the amendment was adopted.

Mr. Creedon moved to amend the bill, in section 2, in item 4120-4000, by inserting after the words "living centers, so-called" the following words:— "provided, that not less than $15,000 shall be expended for Living Independently for Equality Inc. of Brockton".

After remarks, the amendment was adopted.

Messrs. Havern and Joyce moved to amend the bill, in section 2, in item 4120-5000, by striking out the figure "3,978,588" and

inserting in place thereof the following figure:— "4,499,580".
The amendment was *rejected.*
Mr. Antonioni moved to amend the bill, in section 2, in item 4130-3100, by striking out the figure "8,623,253" and inserting in place thereof the following figure:— "9,623,253".
The amendment was *rejected.*
Mr. Magnani moved to amend the bill, in section 2, in item 4130-3700, by adding the following proviso:— "; and provided further, that $1,000,000 shall be expended by the office of child care services for initiatives that improve the quality of the informal child care system, including but not limited to access to basic health and safety information.".
The amendment was *rejected*.
Messrs. Knapik and Lees moved to amend the bill, in section 2, by striking out item 4190-0100 and inserting in place thereof the following item:—

"4190-0100	For the maintenance and operation of the soldiers' home, located in the city of Holyoke including the adult day care program; provided, that not less than $551,800 shall be expended for the purposes of converting the domiciliary unit into a 24 bed dementia unit; provided further, that not less than $75,000 shall be expended for the establishment of an outpatient pharmacy; provided further, that the Soldiers' Home in Holyoke is further authorized to require payment for such services in the form of a co-payment for prescriptions annually established by the Superintendent and approved by the office of Health and Human Services applicable to each prescription dispensed; and provided further, that all funds received in the form of co-payments shall be deposited into the retained revenue account 4190-1100, which funds shall be used solely for the purpose of maintaining the outpatient pharmacy service	14,157,505".

The amendment was *rejected.*
Mr. Lees moved to amend the bill, in section 2, in item 4400-1000, by striking out the words "provided further, that during fiscal year 1999 the department shall maintain the existing transitional assistance offices on Liberty street and State street located in the city of Springfield" and inserting in place thereof the following words:— "provided further, that during fiscal year 1999 the department shall maintain two transitional assistance offices in the city of Springfield".
The amendment was adopted.
Mr. Shannon moved to amend the bill, in section 2, in item 4403-2000, by inserting after the words "so as not to exceed the appropriation" the following words:— "; provided further, that not with standing the provision of any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, such proposed changes".
The amendment was adopted.
Messrs. Nuciforo and Tisei moved to amend the bill, in section 2, in item 4403-2120, by striking out the words "than $4,563,333 shall be expended", and inserting in place thereof the following words:— "than $4,668,333 shall be expended".
The amendment was *rejected*.
Messrs. Jajuga and Tarr moved to amend the bill, in section 2, in item 4403-2120, by striking out the figure "310,000" and inserting in place thereof the following figure:— "390,000"; and by striking out the figure "38,195,028" and inserting in place thereof the following figure:— "38,275,028".
The amendment was *rejected*.
Messrs. Berry, Amorello, Antonioni, Brewer, Clancy, Havern, Magnani, O'Brien, Shannon, Tarr, Ms. Wilkerson, Ms. Fargo, Mr. Tisei, Ms. Pines, Messrs. Nuciforo and Keating, Ms. Murray, Ms. Walsh, Messrs. Panagiotakos and Tolman moved to amend the bill, in section 2, in item 4403-2120, by inserting after the words "furniture donation pickup van;" the following two provisos:— "provided further, that notwithstanding any general or special law to the contrary, otherwise eligible households whose income exceeds the current eligibility limit but is equal or is less than 130 per cent of the federal poverty level, shall be determined eligible; provided further, that not more than $3,000,000 shall be spent in serving said households"; and by striking out the figure "38,195,028" and inserting in place thereof the following figure:— "41,195,028".
After remarks, the amendment was adopted.

Ms. Wilkerson moved to amend the bill, in section 2, in item 4406-3000, by inserting after the words "Quincy Interfaith Sheltering Coalition;" the following words:— "provided further, that not less than $220,000 shall be expended for a contract with the Mary E. Sargent house to provide transitional housing services to women and children;"; and by striking out the figure "31,146,143" and inserting in place thereof the following figure:— "31,366,143".
The amendment was *rejected*.
Messrs. Jajuga and Tarr moved to mend the bill, in section 2, in item 4406-3000, by striking out the figure "226,615" and inserting in place thereof the following figure:— "288,000"; and, in said section 2, in said item 4406-3000, by striking out the figure "31,146,143" and inserting in place thereof the following figure:— "31,207,528".
The amendment was *rejected*.
Messrs. Keating, Creedon, Lynch and Ms. Murray moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "provided further, that not less than $66,095 shall be expended for a contract with Mainspring House in Brockton" and inserting in place thereof the following words:— "provided further, that not less than $352,568 shall be expended for a contract with Mainspring House in Brockton"; and by striking out the figure "31,146,143" and inserting in place thereof the following figure:— "31,432,616".
The amendment was *rejected*.
Mr. Rauschenbach moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "that not less than $42,000 shall be expended for a contract with the Hyannis Salvation Army;" and inserting in place thereof the following words:— "that not less than $70,000 shall be expended for a contract with the Hyannis Salvation Army;".
The amendment was *rejected*.
Mr. Knapik moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "that not less than $42,000 shall be expended for the Samaritan Inn homeless shelter in Westfield" and inserting in place thereof the following words:— "that not less than $74,825 shall be expended for the Samaritan Inn homeless shelter in Westfield".
The amendment was *rejected*.
Mr. Joyce and Ms. Wilkerson moved to amend the bill, in section 2, in item 4406-3000, by inserting after the words "for a contract with the Salvation Army;" the following proviso:— "; provided further, that not less than $125,000 shall be expended for the Shattuck Shelter located in the city of Boston;"; and by striking out the figure "31,146,143 and inserting in place thereof the following figure:— "31,271,143".
The amendment was *rejected*.
Mr. Berry moved to amend the bill, in section 2, in item 4408-1000, by striking out the words "and provided further, that up to $500,000 may be expended for a contract with the Massachusetts legal assistance corporation to fund the disability benefits project, so called" and inserting in place thereof the following words:— "and provided further, that $500,000 shall be expended for a contract with the Massachusetts legal assistance corporation to fund the disability benefits project, so-called".
The amendment was *rejected*.
Ms. Jacques moved to amend the bill, in section 2, in item 4510-0100, by inserting after the words "Franklin County" the following words:— "; provided further, that not less than $200,000 shall be expended for the weapons related injury surveillance system".
After debate, the amendment was adopted.
Messrs. Lynch and Montigny moved to amend the bill, in section 2, in item 4510-0110, by striking out the words "to be matched by $1,000,000" and inserting in place thereof the following words:— "to be matched by $500,000".
The amendment was *rejected*.
Mr. Magnani moved to amend the bill, in section 2, in item 0710-0000, by striking out the words "and including the audit of expenditures made to address the date handling logic problems of commuter systems associated with the year 2000" and inserting in place thereof the following new language:— "and including oversight of the compliance efforts of the information technology division within the executive office of administration and finance and other appropriate executive agencies to implement the year 2000 compliance program.".
After remarks, the amendment was adopted.
Mr. Magnani moved to amend the bill, in section 2, in item 4510-0600, by striking out the figure "3,295,089" and inserting in place thereof the following figure:— "3,417,929".
The amendment was *rejected*.
Mr. Magnani moved to amend the bill, in section 2, in item 4510-0600, by striking out the words "provided further, that $50,000 shall be obligated for a contract to provide an environmental risk assessment of the incidence of cancer in the town of Natick, including the costs of a public health nurse or epidemiologists"; and, in section 2, in item 4510-0600, by striking out the figure "3,295,089" and inserting in place thereof the following figure "3,245,089"; in section 2, in item 7004-2027, by inserting after the word "organizations;" the following proviso:— "provided further, that not less than $50,000 shall be made available to the town of Holliston for amenities along the Upper Charles River Trail"; and, in section 2, in item 7004-2027, by striking out the figure "1,900,000" and inserting in place thereof the following figure:— "1,950,000".
The amendment was *rejected*.
Mr. Durand moved to amend the bill, in section 2, in item 4510-0600, by adding the following words:— "; provided further, that up to $200,000 shall be expended for the identification of populations at risk for Lyme disease as well as the identification of geographically sensitive areas to Lyme disease and for the implementation of a program for the prevention of Lyme disease in those populations and areas; and provided further, that the department shall identify and utilize the most effective means available within said program to prevent Lyme disease . . ."

The amendment was *rejected*.
Messrs. Montigny and Pacheco moved to amend the bill, in section 2, by striking out item 4510-0710 and inserting in place thereof the following item:—

"4510-0710	For the operation of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further that the department shall establish a special priority long term care facility investigative unit to discharge the department's responsibilities pursuant to section 72H of chapter 111 of the General Laws. Said unit shall investigate and evaluate reports with the timelines specified in said statute. Specific emphasis shall be given to complaints from residents or family members alleging the occurrence of death or serious harm to the resident. The department shall forward any reports from said investigation to the office of the attorney general	5,854,750".

The amendment was *rejected*.
Mr. Amorello moved to amend the bill, in section 2, in item 4510-0810, by striking out the figure "200,000" and inserting in place thereof the following figure:— "900,000".
The amendment was *rejected*.
Mr. Lees moved to amend the bill, in section 2, by striking out item 4512-0103 and inserting in place thereof the following item:—

"4512-0103	For acquired immune deficiency syndrome prevention and treatment; provided that an additional $1,500,000 shall be expended on AIDS prevention education; provided further, that not less than $300,000 shall be expended for the operation of a pilot program to be administered by the Springfield Department of Health for a comprehensive drug treatment for the prevention of AIDS	51,278,137".

The amendment was *rejected*.
Mr. Panagiotakos moved to amend the bill, in section 2, in item 4512-0200, by adding the following words:— "; and provided further, that not less than $105,000 shall be expended for the education and empowerment for youth program, in collaboration with Lowell House, Inc.".
The amendment was *rejected*.
Mr. Montigny moved to amend the bill, in section 2, in item 4512-0200, by adding the following words:— "; and provided further, that not less than $70,000 be expended for a department of public health certified New Bedford batterer intervention program."
The amendment was *rejected*.
Ms. Wilkerson moved to amend the bill, in section 2, in item 4513-1000, by inserting after the words "physical fitness and sports;" the following words:— "provided further, that not less than $150,000 shall be expended for the MOM's Project and the coordinated delivery of services offered by said project;"; and by striking out the figure "13,343,096" and inserting in place thereof the following figure "13,493,096".
The amendment was *rejected*.
Ms. Jacques, Ms. Pines, Ms. Wilkerson, Messrs. Antonioni, Bernstein, Keating, Berry, Montigny and Nuciforo move to amend the bill, in section 2, in item 4513-1000, by striking out the figure "1,946,000" and inserting in place thereof the following figure:—"2,321,000"; and, in said section 2, in said item 4513-1000, by striking out the figure "13,343,096" and inserting in

place thereof the following figure:— "13,718,096".
The amendment was *rejected*.
Ms. Wilkerson, Ms. Pines and Mr. Morrissey moved to amend the bill, in section 2, by inserting after item 4513-1020 the following item:—

"4513-1022	For domestic violence prevention, outreach, and intervention; provided, that $450,000 shall be made available for culturally and linguistically appropriate outreach services to non-English speaking victims of domestic violence	450,000".

The amendment was *rejected*.
Mr. Nuciforo moved to amend the bill, in section 2, in item 4530-9000, by striking out the word "FIRSTSteps" and inserting in place thereof the following words:— "Berkshire Coalition to Prevent Teen pregnancy."
The amendment was adopted.
Mr. Tolman moved to amend the bill, in section 2, in item 4580-1000, by inserting after the words "funded herein;" the words:— "provided further, that not less than $250,000 shall be expended for a hepatitis C program to raise public awareness and provide health care provider education, including dissemination of materials on identification, reporting, and counseling to public health, medical and other health care professionals, including high risk groups".
The amendment was *rejected*.
Ms. Wilkerson moved to amend the bill, in section 2, in item 4590-0300, by inserting after the words "tobacco control coalitions;" the following words:— "provided further, that not less than $500,000 shall be expended for the Men of Color Health Initiative, so-called , at the Lemuel Shattuck hospital;",
The amendment was *rejected*.
Mr. O'Brien moved to amend the bill, in section 2, by inserting after item 4590-0300 the following item:—

"4590-0301	To the department of public health for a program to raise public awareness and health care provider education on colorectal cancer, including dissemination of materials on preventing and screening said disease	100,000".

The amendment was *rejected*.
Messrs. Montigny and Pacheco moved to amend the bill, in section 2, by striking out item 4590-0906 and inserting in place thereof the following item:—

"4590-0906	For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the department shall pre-screen enrollees and applicants for medicaid eligibility; provided further, that no funds shall be expended from this item for expenses incurred in the prior fiscal year; provided further, that the department shall maximize federal reimbursement for state expenditures made on behalf of said children; provided further, that the department shall close enrollment or promulgate regulations that adjust eligibility, benefits, and other requirements to limit expenditures to the amount appropriated herein; provided further, that the department shall negotiate with the vendor of said program to ensure that rates paid for the administration of the program do not exceed such rates as are necessary to meet only those costs which must be incurred for an economically and efficiently operated program; provided further, that children made ineligible for said program	17,975,314

with family incomes below 200 per cent of poverty after July 1, 1998, pursuant to the provisions of chapter 170 of the acts of 1997, shall remain eligible for the children's medical security plan until the division of medical assistance completes the eligibility determination and transfer of said children to programs administered by said division; provided further, that any deficiency in this item resulting from the continued enrollment of said ineligible children after July 1, 1998 shall be the financial responsibility of said division; provided further, that the department shall develop a marketing plan for program outreach; and provided further, that said plan shall be submitted to the house and senate committees on ways and means no later than October 1, 1998

Children's and Senior's Healthcare Assistance Fund 100.0%".

The amendment was *rejected*.

Mr. Knapik moved to amend the bill, in section 2, by striking out item 4590-0912 and inserting in place thereof the following item:—

"4590-0912 The department is hereby authorized to expend an amount not to exceed $13,678,847 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that 50 per cent of any revenues received in excess of $11,678,847 shall be credited to the general fund; provided further, that such revenues may be expended for the purpose of hospital-related costs, including personnel, capital expenditures, and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that notwithstanding the provisions of any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the division of medical assistance; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein; provided further, that in the event expenditures and encumbrances for 13,678,847".

the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 4510-0100 to this item to ensure that services are maintained throughout fiscal year 1999; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in the department of social services preamble, by striking out the words "category of purchased service so provided." and inserting in place thereof the following words:— "category of purchased service so provided; and, (v), the current caseload ratio of each individual social worker with a caseload ratio in excess of the contractual ratio of 18 to 1, the office in which they work and the total number of said social workers.".

After remarks, the amendment was adopted.

Ms. Murray, Messrs. Antonioni, Jajuga, Berry, Tisei, O'Brien and Clancy and Ms. Walsh moved to amend the bill, in section 2, in item 4800-0015, by striking out the figure "53,166,796" and inserting in place thereof the following figure:— "54,969,796".

The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, in item 4800-0015, by striking out the words ", including the expenses associated with the opening of an office in the town of Ludlow".

The amendment was adopted.

Mr. Lynch moved to amend the bill, in section 2, in item 4800-0031, by adding the following proviso:— "; and provided further, that not less than $200,000 be appropriated for two regional pilot emergency response teams for foster/kinship and adoptive families in crisis situations".

The amendment was *rejected*.

Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 4800-0151, by striking out the figure "754,820" and inserting in place thereof the following figure:— "1,003,940".

The amendment was *rejected*.

Ms. Wilkerson and Mr. Magnani moved to amend the bill, in section 2, in item 4800-1200, by striking out the figure "3,018,368" and inserting in place thereof the figure:— "5,018,368".

After remarks, the amendment was *rejected*.

Ms. Jacques and Ms. Melconian moved to amend the bill, in section 2, in item 4800-1400, by inserting after the words "women and girls", the following words:— "who are victims of domestic violence; and provided further, that not less than $700,000 shall be used to enhance services at domestic violence shelters and counseling sites for children who have witnessed domestic violence".

The amendment was adopted.

Ms. Murray of Plymouth moved to amend the bill, in section 2, in item 4800-1997, by adding the following words:— "; provided further, that $3,750,000 shall be expended for the purposes of enhancing departmental interfaces for the, so-called, Family-net system."

The amendment was *rejected*.

Ms. Murray and Messrs. Antonioni, Jajuga, Berry, Tisei, O'Brien, Clancy and Ms. Walsh moved to amend the bill in section 2, in item 4800-1997, by striking out the figure "17,361,037" and inserting in place thereof the following figure:— "17,536,037".

The amendment was *rejected*.

Ms. Murray and Mr. Rauschenbach moved to amend the bill, in section 2, in item 5011-0100, by adding the following words:— "; provided further, that the department of mental health shall conduct a quality assurance audit; and the division of medical assistance shall conduct a financial audit of for profit psychiatric hospitals that have a contract with the Massachusetts Behavioral Health Partner ship; provided further, that for the purposes of this item, psychiatric hospital shall mean a hospital that has a majority of its beds licensed as psychiatric by either the department of mental health or the department of public health; and, provided further, that said department and division shall report the findings of such audit to the house and senate committees on ways and means by December 31, 1998."

The amendment was adopted.

Mr. Lynch moved to amend the bill, in section 2, in item 5042-5000, by striking out the figure "500,000" and inserting in place thereof the following figure:— "300,000".

The amendment was adopted.

Mr. Lees moved to amend the bill, in section 2, in item 5046-0000, by striking out the words "provided further, that not less than $394,502 shall be expended for the lighthouse clubhouse program, so-called, in the city of Springfield;".

The amendment was *rejected*.

Mr. Keating moved to amend the bill, in section 2, in item 5095-0000 by adding the following proviso:— "; provided further, that

the department shall install and monitor, at said hospital, a computer terminal with direct access to criminal offender record information."
After remarks, the amendment was adopted.
Mr. Tolman moved to amend the bill in section 2, in item 5920-2000, by striking out the words "not less than $100,000 shall be expended for increased mentor programs statewide" and inserting in place thereof the following words:— "not less than $250,000 shall be expended for increased mentor programs statewide."
The amendment was *rejected*.
Ms. Jacques moved to amend the bill by inserting after section 96 the following two sections:—
"SECTION 96A. Item 5920-2025 of section 2 of chapter 43 of the acts of 1997 is hereby amended by adding the following words:— ", and provided further, that not less than $319,191 shall be expended for the life experience school in the town of Sherborn.".
"SECTION 96B. Said item 5920-2025 of said section 2 of said chapter 43 is hereby further amended by striking out the figure "72,329,032 and inserting in place thereof the following figure:— $72,648,223'."
The amendment was *rejected*.
Mr. Morrissey moved to amend the bill, in section 2, in item 5920-4050, by striking out the figure "15,750,000" and inserting in place thereof the following figure:— "20,750,000".
The amendment was rejected.
Mr. Tarr moved to amend the bill, in section 2, in item 6010-0001, by inserting after the word "Medway" the following:— " ; and provided further, that not less than $200,000 shall be expended for the planning and design of a pedestrian overpass at Grants Circle on Route 128 in the city of Gloucester."
The amendment was *rejected*.
Mr. Keating moved to amend the bill, in section 2, by striking out item 6030-7221 and inserting in place thereof the following item:—

"6030-7221	For the cost of sand, salt, and other control chemicals used for the purpose of snow and ice control; provided, that no funds appropriated herein shall be used for hired or leased equipment, overtime costs or vehicle repair related to snow and ice control; provided further, that $100,000 shall be spent for a municipal salt shed to protect well sites in the town of Walpole	5,159,512".

The amendment was *rejected*.
Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 7000-9402, by adding the following proviso:— "provided, that not less than $15,500 shall be expended to enlarge the number of titles available to talking book program users, including, but not limited to, purchasing, recording and production of specialized format reading materials in braille, on cassettes, and in electronic media; and by striking out the figure "194,478" and inserting in place thereof the following figure:— "209,978".
The amendment was *rejected.*
Mr. Joyce moved to amend the bill, in section 2, by inserting after item 7002-0200 the following item:—

"7002-0300	For the operation of the divisions right to know program	50,000".

The amendment was *rejected*.
Mr. Moore moved to amend the bill, in section 2, in item 7002-0700, by striking out the figure "354,615" and inserting in place thereof the following figure:— "440,138".
The amendment was *rejected*.
Mr. Travaglini moved to amend the bill, in section 2, in item 7002-0800, by striking out the figure "737,778" and inserting in place thereof the following figure:— "774,778".
The amendment was *rejected*.
Mr. Keating moved to amend the bill, in section 2, in item 7002-0800, by striking out the figure "737,778" and inserting in place thereof the following figure:— "774,778".
The amendment was *rejected*.
Mr. Morrissey moved to amend the bill, in section 2, by inserting after item 7002-0800 the following item:—

"7003-0300	The purpose of maintaining the existing revolving loan fund within the industrial services program to provide working capital and related assistance to defense-dependent firms and	4,000,000".

leverage federal matching funds for financial assistance for such purposes under the Economic Adjustment Program Revolving Loan Fund authorized pursuant to Title IX of the Public Works and Economic Development Act of 1965, as amended

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 7003-0500, by striking out the figure "605,400" and inserting in place thereof the following figure:— "3,000,000."

The amendment was *rejected*.

Mr. Shannon moved to amend the bill, in section 2 in item 7003-0601, by inserting after the words "year 1998;" the following words:— "; provided, that the city of Somerville shall be included in this item and funded at $90,000."

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 7003-0601, by adding the following words:— " ; provided further, that $15,000 shall be expended for the Lynn After School At Risk Program."

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 7003-0603, by adding the following words:— " ; provided further, that an amount not to exceed $50,000 shall be expended for the purpose of funding a school to work connecting activities position entitled employer outreach specialist, including fringe recovery cost for the greater Lowell regional employment board, so called; provided further that said funds be expanded in fiscal year 1999; provided further, that said funds be utilized for the purpose of supporting a public-private partnership to link high school students with economic and learning opportunities as part of the school-to-work transition program; and provided further, that said funds be exclusively earmarked for students and private sector employers in the geographic area known as the Northern Middlesex service area."

The amendment was *rejected*.

Messrs. Lynch and Joyce moved to amend the bill, in section 2, in item 7003-0603, by striking out the words "and provided further, that said position shall, implement a comprehensive program which will prepare students to enter the workforce through a combination of classroom and work-based programs" and inserting in place thereof the following words:— "and provided further that said position shall, facilitate the involvement of organized labor in the comprehensive initiative known as school-to-work, which prepares students to enter the workforce through a combination of classroom and work-based programs."

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill, in section 2, in item 7003-0700, by inserting after the word "specialist;" the following:— "within the Massachusetts AFL-CIO;"; and, in said item 7003-0700, by striking out the figure "2,027,000" and inserting in place thereof the following figure:— "2,234,000".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, by inserting after item 7003-0803 the following item:—

"7003-0804	For the purpose of funding a one-stop career center to be operated by the Greater Lowell Regional Employment Board, so-called; provided, that said funds be utilized for the purpose of start up operational costs of the one-stop center which will be operated as a collaborative effort between the Lowell office of employment and training and the Lowell division of employment & training	500,000".

The amendment was *rejected*.

Mr. Berry moved to amend the bill, in section 2, in item 7003-1000, in the third proviso, by striking out the words "each regional employment board" and inserting in place thereof the following words:— "each of the 16 regional employment boards".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 7003-1000, by inserting after the words "provided further, that not less than $100,000 shall be expended for the refugee and immigrant self sufficiency program, so called," the following words:— "at the University of Massachusetts at Lowell".

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill, in section 2, in item 7003-1000, by inserting after the words "AFL-CIO to support and coordinate representation on the regional employment boards" the following words:— " in the state's workforce development system;"

After debate, the amendment was adopted.

Messrs. Knapik and Lees moved to amend the bill, in section 2, in item 7003-1000, by adding the following proviso:— "; provided further, that not less than $350,000 shall be provided to the Massachusetts Career Development Institute (MCDI) for

facility costs to operate MCDI's centers in Springfield, Holyoke and Westfield."
The amendment was *rejected*.
Messrs. Amorello and Bernstein moved to amend the bill, in section 2, in item 7003-1000 by adding the following proviso:— "; and provided further, that not less than $30,000 shall be made available to Centro las Americas of Worcester to support and coordinate workforce initiatives.".
The amendment was *rejected*.
Ms. Fargo and Mr. Tarr moved to amend the bill, in section 2, by inserting after item 7003-1000 the following item:—

"7003-2054	For funding for the Massachusetts office for volunteerism, pursuant to section 204 of chapter 6 of the General Laws	198,000".

The amendment was *rejected*.
Messrs. Pacheco, Tolman, O'Brien, Montigny, Ms. Fargo and Messrs. Knapik and Berry moved to amend the bill, in section 2, in item 7003-2055, by striking out the figure "1,500,000" and inserting in place thereof the following figure:— "2,500,000".
The amendment was *rejected*.
Messrs. Pacheco and Tolman moved to amend the bill, in section 2, in item 7003-2055, by striking out the words "Massachusetts national and community service commission" and inserting in place thereof the following words:— "Massachusetts Service Alliance".
After remarks, the amendment was adopted.
Mr. Clancy moved to amend the bill, in section 2, in item 7004-0002, by adding the following words:— " ; provided further, that $6,500 shall be expended as a grant to the Lynn housing authority for the purpose of providing a taxi voucher program to transport city seniors, disabled and homeless persons t medical appointments."
The amendment was *rejected*.
Messrs. Tisei, Lees, Amorello, Knapik and Tarr moved to amend the bill, in section 2, by inserting after item 7004-0099 the following item: —

"7004-1000	For the playground initiative fund, a grant program for cities and towns of the commonwealth, to provide up to $10,000 per grant for the acquisition, development, renovation of or equipment for playgrounds or ball fields; provided, the grants shall be administered by the department of housing and community development and shall be awarded on a first come, first serve basis to municipalities submitting applications meeting program requirements	1,000,000".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 32): —

YEAS.

Amorello, Matthew J.	Rauschenbach, Henri S.
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.

—6.

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	Norton, Thomas C.

Durand, Robert A.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Brien, John D.
Havern, Robert A.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Pines, Lois G.
Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Keating, William R.	Tolman, Warren E.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne

—32.

ABSENT OR NOT VOTING.

Berry, Frederick E.

—1.

Mr. Norton in the Chair, the yeas and nays having been completed at twenty-four minutes past twelve o'clock noon, the amendment was *rejected*.

The President in the Chair, Mr. O'Brien moved to amend the bill, in section 2, by inserting after item 7004-0099 the following new item: —

"7004-0100	For a comprehensive study examining the housing needs and trends in the commonwealth and the economic impact of our housing programs. Such study shall be conducted by the University of Massachusetts Donahue Institute in consultation with the Citizens Housing and Planning Association	125,000".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 4130-3600, by striking out the figure "40,090,927" and inserting in place thereof the following figure: — "43,734,528".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 7000-9406, by striking out the figure, "1,382,919" and inserting in place thereof the following figures: — "2,000,000".

After remarks, the amendment was *rejected.*

Messrs. Tarr, Tisei, Magnani and Ms. Fargo moved to amend the bill in section 2, by inserting after item 7004-0099 the following item: —

"7004-0200	For the municipal assistance program to provide management incentive grants, technical assistance, and training for municipal governments to provide cost effective and efficiently delivery of local services, including regionalization of services; provided, that said incentive grants may be utilized for the purchase of computer hardware and equipment; provided further, that funds appropriated herein may be provided in advance;	800,000

and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees

Local Aid Fund 100.0%".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes before one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 9 — nays 29):—

YEAS.

Amorello, Matthew J.	Rauschenbach, Henri S.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.
Magnani, David P.	

—9.

NAYS.

Antonioni, Robert A.	Creedon, Robert S., Jr.
Bernstein, Robert A.	Durand, Robert A.
Brewer, Stephen M.	Fargo, Susan C.
Clancy, Edward J., Jr.	Havern, Robert A.
Jacques, Cheryl A.	Nuciforo, Andrea F., Jr.
Jajuga, James P.	O'Brien, John D.
Joyce, Brian A.	Pacheco, Marc R.
Keating, William R.	Panagiotakos, Steven C.
Lynch, Stephen F.	Pines, Lois G.
Melconian, Linda J.	Rosenberg, Stanley C.
Montigny, Mark C.	Shannon, Charles E.
Moore, Richard T.	Travaglini, Robert E.
Morrissey, Michael W.	Walsh, Marian
Murray, Therese	Wilkerson, Dianne
Norton, Thomas C.	

—29.

ABSENT OR NOT VOTING.

Berry, Frederick E.

—1.

The yeas and nays having been completed at one o'clock P.M., the amendment was *rejected*.
At two minutes past one o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President

declared a recess; and, at twenty-six minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.
Mr. Joyce moved to amend the bill, in section 2, in item 7004-1966, by striking out the figure "5,800,000" and inserting in place thereof the following figure:— "6,000,000".
The amendment was *rejected*.
Mr. Magnani moved to amend the bill, in section 2, in item 7004-2027, by inserting after the word "organizations;" the following proviso:— "provided that not less than $30,000 shall be expended for managerial assistance for the Downtown Framingham Strategic Economic Development plan;".
The amendment was *rejected*.
Messrs. O'Brien, Berry, Clancy, Tolman, Lynch and Ms. Wilkerson moved to amend the bill, in section 2, in item 7004-2475, by striking out the figure "500,000" and inserting in place thereof the following figure:— "3,000,000".
The amendment was *rejected*.
Mr. Morrissey moved to amend the bill, in section 2, in item 7004-2475, by striking out the figure "500,000" and inserting in place thereof the following figure:— "3,000,000".
The amendment was *rejected*.
Mr. O'Brien moved to amend the bill, in section 2, in item 7004-4314, by striking out the figure "550,000" and inserting in place thereof the following figure:— "750,000".
The amendment was *rejected*.
Mr. O'Brien moved to amend the bill, in section 2, in item 7004-9024, by striking out the figure "36,131,919" and inserting in place thereof the following figure:— "41,172,368".
The amendment was *rejected*.
Messrs. Morrissey and Lynch moved to amend the bill, in section 2, by inserting after line item 7004-9024 the following item:—

"7004-9025	For a program to provide rental assistance and technical assistance for technical assistance for tenants in 13A developments, so-called, where prepayment of a 13A mortgage would lead or has led to the termination of a use agreement for low income housing, for the purpose of preserving the affordability of 13A units in such housing and to prevent displacement of eligible tenants; provided, that such assistance shall be made available to tenants eligible for 13A subsidy in each development; provided further, that such funds may be used in addition to any other funds available to prevent displacement and preserve affordability; provided further, that rental assistance shall be based on rents for comparable unassisted market units as determined annually by the department of housing and community development; provided further, that in allocating funds to preserve the affordability of 13A units in developments at risk of prepayment where the owner has not prepaid, preference shall be given to nonprofit organizations seeking to purchase such housing or to owners who agree to binding restrictions preserving the affordability of the development for its useful life, as determined by the department of housing and community development; provided further, that said department of housing and community development shall promulgate regulations for the purpose of implementing the provisions of this line item by October 1, 1998	5,000,000".

The amendment was *rejected*.
Ms. Murray and Mr. Rauschenbach moved to amend the bill, in section 2, in item 7004-9108, by adding the following words:— "and provided further, that $100,000 shall be expended for the funding of a pilot program in the town of Falmouth, to be administered by the Falmouth housing authority using non-traditional, cost-effective methods of maintenance, including but not limited to, prison labor for the purpose of revitalizing and redeveloping elderly public housing in the commonwealth."
The amendment was *rejected*.

Mr. O'Brien moved to amend the bill, in section 2, in item 7004-9315, by striking out the figure "702,000" and inserting in place thereof the following figure:— "900,000".
The amendment was *rejected*.
Mr. Lees moved to amend the bill, in section 2, in item 7006-0030, by striking out the figure "3,168,212" and inserting in place thereof the following figure:— "3,908,212".
The amendment was *rejected*.
Messrs. Travaglini, Montigny and Knapik moved to amend the bill, in section 2, by striking out item 7006-0040 and inserting in place thereof the following items:—

"7006-0040	For the operation and administration of the division of registration; provided, that of the funds appropriated herein, sufficient monies shall be expended for the reduction of case backlog at the boards of registration including, but not limited to, the board of registration in nursing; provided further, that the division shall at all times employ not less than two hearing officers to facilitate the processing of cases pending before the various boards within said division; provided further, that the position of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; and provided further, that the division shall maintain and staff an office in the city of Springfield	6,054,196
7006-0050	For personnel, administrative, computer equipment, newsletter and other essential costs of the board of registration in nursing which funds shall be in addition to funds made available to said board in item 7006-0040	449,266".

The amendment was adopted.
Mr. Havern moved to amend the bill, in section 2, in item 7006-0066, by striking out the figure "300,000" and inserting in place thereof the following figure:— "638,000".
The amendment was *rejected*.
Mr. Lees moved to amend the bill, in section 2, in item 7006-0070, by adding the following words:— "; and provided further, that the division shall, beginning on January 1, 1999, when implementing and adopting new area codes in the commonwealth, do so by assigning such new area codes only to new customers as they apply for telephone service in the given new geographic area code locale, the overlay approach, so-called, and permit current customers to retain their current area codes".
Pending the adoption of this amendment, Mr. Tolman moved that the amendment be amended by adding the following words:— "provided further, that in formulating and promulgating policies with respect to the introduction of new area codes, the department shall assess the total economic and other societal impacts of such policies upon consumers, businesses, institutions and governmental bodies in the commonwealth and, based upon such findings, the division shall adopt policies expressly designed to minimize total societal costs and impacts; and provided further, that in formulating and promulgating policies with respect to the introduction of new area codes, the division shall consider and adopt number conservation and other resource optimization measures designed specifically to maximize and extend the life of existing area codes in the commonwealth and shall require all certified telecommunications carriers to participate fully in such measures as a condition for retaining telephone numbers in any area code in existence as of the effective date of this section, and shall further require any telecommunications carriers who are unable or unwilling to participate fully in such measures to transfer all existing telephone numbers to, and accept all additional telephone number assignments in, overlay area codes to which the number conservation and other resource optimization measures shall not be applied".
The further amendment (Tolman) was *rejected*.
After debate, the question on adoption of the pending amendment was determined by a call of the yeas and nays, at twelve minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 9 — nays 28):

YEAS.

Amorello, Matthew J.	Rauschenbach, Henri S.
Brewer, Stephen M.	Tarr, Bruce E.

Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.
Pines, Lois G.	

—9.

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Clancy, Edward J., Jr.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Durand, Robert A.	Norton, Thomas C.
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O'Brien, John D.
Hedlund, Robert L.	Pacheco, Marc R.
Jacques, Cheryl A.	Panagiotakos, Steven C.
Jajuga, James P.	Rosenberg, Stanley C.
Keating, William R.	Shannon, Charles E.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne

—28.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Joyce, Brian A.

—2.

The yeas and nays having been completed at five minutes before two o'clock P.M., the amendment was *rejected*.

Subsequently, there being no objection, the Clerk read the following communication from the Honorable Brian A. Joyce, Senator from the Suffolk and Norfolk District.
Dear Mr. Clerk,
Several moments ago, while I was in the Great Hall speaking with vocational education students from my district, we had a roll call vote on Amendment Number 258, relative to area code overlays.
Had I been in the Chamber, I would have voted no. Please record my position on this matter.
Thank you.

Sincerely,

Brian A. Joyce.

On motion of Mr. Durand, the above statement was ordered printed in the Journal of the Senate.

Mr. Rauschenbach moved to amend the bill, in section 2, in item 7006-1000, by striking out the figure "2,567,026" and inserting in place thereof the following figure:— "3,700,000".
The amendment was *rejected*.
Mr. Moore moved to amend the bill, in section 2, by inserting after item 7007-0100 the following new item:—

"7007-####	For the department of economic development; provided, that $150,000 shall be expended solely for reimbursement of expenses of the National Environmental Technology for Waste Prevention Institute, or NETI, at the University of Massachusetts at Amherst related to the organization and conduct of "The Role of the University in Green Chemistry and Industrial Ecology' conference; provided further, that such amount shall be in addition to any other appropriations for NETI; provided further, that $25,000 shall be expended for expenses related to said effort and for compensation to offset for staff assigned to working as liaison to NETI for the conference; provided further, that said department shall appoint an individual as liaison to NETI who shall collaborate with NETI in promoting the conference and in attracting industry participation and support, including co-sponsorship, for the conference; provided further, that said department shall also assist in coordinating interaction for this event with other appropriate state, local and federal agencies; provided further, that NETI expenses to be reimbursed by said department shall include, but not be limited to, retaining consulting assistance, as needed, meeting planning expenses, publication of conference proceedings, promotional materials and registration materials and all other related expenses in the planning, preparation, conduct and follow-up to the conference, including travel and related expenses; provided further, that NETI shall file a report with the state secretary and to the clerks of the House of Representatives and the Senate not later than six months after the completion of the conference; and provided further, that such report shall outline the results of the conference and the institute's plan for following-up the "green chemistry' activities in the future	175,000".

The amendment was *rejected*.

Messrs. Montigny, Norton and Pacheco moved to amend the bill, in section 2, in item 7007-0300, by striking out the figure "3,629,194" and inserting in place thereof the following figure "3,879,194"; and in said item by adding after the words "into central Massachusetts" the following words:— "provided further, that not less than $250,000 shall be expended for a south coast region economic development;".

The amendment was *rejected*.

Subsequently, there being no objection, on motion of Mr. Montigny, the Senate considered no action having been taken on this amendment.

Messrs. Montigny, Norton and Pacheco then presented the following redrafted amendment:

In section 2, in item 7007-0900, by inserting after the words "Massachusetts Sports Partnership, Inc." the following words:— "; provided further, that notwithstanding the provisions of any general or special law to the contrary, $250,000 shall be transferred from this item to the Massachusetts office of business development for south coast region economic development".

The amendment was adopted.

Messrs. Lynch and Lees, Ms. Murray, Messrs. O'Brien, Creedon, Norton, Brewer, Pacheco, Tisei, Hedlund, Jajuga, and Moore, Ms. Fargo, Messrs. Morrissey, Magnani, Tarr, Clancy, Joyce, and Montigny, Ms. Pines, Messrs. Panagiotakos, Bernstein and Amorello moved to amend the bill, in section 2, in item 7007-0300, by striking out the figure "3,629,194" and inserting in place thereof the following figure:— "4,597,877".

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, in item 7007-0300, by adding the following proviso:— "; and provided further,

that not more than $100,000 shall be expended for the Massachusetts Council for Quality."
The amendment was adopted.
Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 7007-0300, by adding the following proviso:— "; and provided further, that not less than $50,000 shall be expended for the purpose of creating a Neighborhood Network Center in the city of Worcester to provide economic stability to the downtown neighborhood areas".
The amendment was adopted.
Messrs. Lynch and Norton, Ms. Fargo, Messrs. Tolman, Tarr, Pacheco, Joyce, Panagiotakos, Ms. Jacques and Mr. Tisei moved to amend the bill, in section 2, in item 7007-0350, by striking out the figure "1,246,000" and inserting in place thereof the following figure:— "2,346,000".
The amendment was *rejected*.
Mr. Montigny moved to amend the bill, in section 2, by striking out item 7007-0800 and inserting in place thereof the following item:—

"7007-0800	For the state match for a small business development center; provided, that no funds shall be expended from this account until such time as the United States Small Business Administration has executed a grant or contract with the University of Massachusetts at Amherst for the operation of said center; provided further, that the funds expended from this account shall not exceed 25 per cent of the gross operating cost of said center, and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means	896,448".

The amendment was *rejected*.
Mr. Travaglini moved to amend the bill, in section 2, in item 7007-0900, by inserting after the words "Freedom's Way Association, so-called", the following:— "; provided further, that not less than $1,000,000 shall be expended for grants to public and private non-profit local and regional organizations to be awarded by the office of travel and tourism for innovative approaches to advertising, promoting, and generating tourism in the commonwealth; provided further, that said funds shall be awarded based upon competitive applications from such organizations; provided further, that said grants may support the services of tourist information centers, so-called; provided further, that funds so awarded shall not replace or supplant expenditures made by such organizations from item 7007-1000; and provided further, that said grants shall be awarded at the discretion of the director of the office of travel and tourism after consultation with the director of the department of economic development".
The amendment was *rejected*.
Ms. Murray moved to amend the bill, in section 2, in item 7007-0900, by striking out the words "provided further, that not less than $25,000 shall be expended for the continuing operation of the Bourne tourist information center;".
After remarks, the amendment was adopted.
Ms. Murray moved to amend the bill, in section 2, in item 7007-0900, by adding the following words:— "; provided further, that $200,000 shall be allocated to the Plymouth county development council for a one time grant; and provided further, that not less than $150,000 shall be provided to Destination Plymouth Inc. for its efforts to increase domestic and international tourism and special events in Plymouth county".
The amendment was *rejected*.
Ms. Murray moved to amend the bill, in section 2, in item 7007-0900, by striking out the words "Plymouth chamber of commerce" and inserting in place thereof the following words:— "Plymouth County Development Council".
After remarks, the amendment was adopted.
Mr. Norton moved to amend the bill, in section 2, in item 7007-0900, by adding the following words:— "provided further, that not less than $25,000 shall be expended for the continuing operation of the Swansea tourist information center".
After remarks, the amendment was adopted.
Messrs. Keating and Pacheco moved to amend the bill, in section 2, in item 7007-0900, by adding the following proviso:— "provided further, that not less than $30,000 shall be expended for the continuing operation of the Mansfield Tourist Information Center".
After debate, the amendment was adopted.
Mr. Panagiotakos moved to amend the bill, in section 2, in item 7007-0900, by adding the following words:— "; and provided further, that not less than $50,000 shall be expended for the Merrimack valley convention and visitors bureau to be used for the marketing and promotion of the Tsongas arena and LeLacheur park".
After remarks, the amendment was adopted.
Messrs. Nuciforo and Magnani moved to amend the bill, in section 2, in item 7007-1200, by striking out the figure "900,000" and inserting in place thereof the following figure:— "1,200,000".
After remarks, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 7010-0005, by adding the following words:— "; provided further, that notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner shall receive a salary to be determined by the board of education for fiscal year 1999; and provided further, such determination shall be made only for said fiscal year".
After remarks, the amendment was *rejected*.
Mr. Rauschenbach moved to amend the bill, in section 2, in item 7010-0005, by adding the following words:— "; and provided, further, that $30,000 shall be made available for the foundation budget review commission established pursuant to chapter 71 of the acts of 1993".
After remarks, the amendment was *rejected*.
Mr. Lees moved to amend the bill, in section 2, in item 7010-0012, by striking out the figure "12,371,328" and inserting in place thereof the following figure:— "6,185,664".
After debate on the question on adoption of the amendment, there being no objection, the amendment was withdrawn, on motion of Mr. Lees.
Mr. Magnani moved to amend the bill, in section 2, in item 7030-1000, by inserting after the words "school districts and head start agencies" the following words:— "and licensed day care centers".
The amendment was *rejected*.
Mr. Morrissey moved to amend the bill, in section 2, in item 7030-1000, by inserting after the words "university of Massachusetts at Lowell and community teamwork, inc. in the provision of child care services;" the following proviso:— "provided further, that not more than $250,000 shall be made available for costs associated with the consolidation of the Quincy community action program, inc. head start program;".
The amendment was *rejected*.
Mr. Antonioni moved to amend the bill, in section 2, in item 7030-2000, by striking out the words "; provided, that 25 per cent of the funds available for drop out prevention programs shall be awarded to school districts that demonstrate a marked increase in the percentage of students who are graduating from a public high school program"; and, in section 2, in item 7030-2000, by striking out the words "provided further, that $1,475,988 shall be allocated to basic skills remediation programs for students in grades one through nine".
The amendment was *rejected*.
Mr. Antonioni moved to amend the bill, in section 2, in item 7035-0002, by adding after the words "learning center" the following words:— "; and provided further, that not more than $250,000 may be utilized for administration of this program".
After remarks, the amendment was adopted.
Mr. Shannon moved to amend the bill, in section 2, in item 7052-0003, by adding the following words:— "; and provided further, that if a community has an approved racial imbalance plan, no rule or regulation shall prohibit said community from receiving 90 per cent reimbursement for the construction or significant rehabilitation of any school building, within said community".
The amendment was *rejected*.
Mr. Pacheco moved to amend the bill, in section 2, in item 7007-1300, by inserting after the words "Fall River" the following words:— "; and provided further, that not less than $25,000 shall be expended for a grant for the purpose of Massachusetts participation in World Expo 98, so-called".
The amendment was adopted.
Mr. Bernstein moved to amend the bill, in section 2, in item 2200-0100, by adding the following words:— "; and provided further, that the department shall provide support and assistance to the town of Clinton for a study of the reconstruction of the Mulberry drive water tanks in said town".
The amendment was adopted.
Mr. Shannon moved to amend the bill, in section 2, in item 2420-1400, by striking out the figure "500,000" and inserting in place thereof the following figure:— "970,500".
The amendment was *rejected*.
Ms. Jacques moved to amend the bill, in section 2, in item 7052-0007, by adding the following words:— "; and provided further, that the town of Needham shall be reimbursed not less than $400,000 for costs associated with health and safety improvements at the Pollard middle school in said town of Needham".
The amendment was *rejected*.
Messrs. Antonioni and Joyce moved to mend the bill, in section 2, in item 7053-1928, by inserting after the words "two year period"; the following words:— "provided further, that not more than $50,000 may be utilized for administration of this program;".
The amendment was *rejected*.
Mr. Antonioni moved to amend the bill, in section 2, in item 7053-1929, by inserting after the words "grant program", the second time it appears, the following words:— "provided further, that not more than $25,000 may be utilized for administration of this program;".
The amendment was *rejected*.
Messrs. Joyce and Keating moved to amend the bill, in section 2, in item 7061-0011, by striking out the figure "10,000,000" and inserting in place thereof the following figure:— "15,000,000".
The amendment was *rejected*.
Messrs. Lees, Tisei, Knapik, Rauschenbach, Amorello and Tarr moved to amend the bill, in section 2, by adding the following item:—

"7061-0018	For grants to cities, towns and regional school districts for the purpose of increasing the number of teachers in school districts with high enrollment growth or high student-to-teacher ratios, as defined by the commissioner of education	40,000,000";

and inserting after section 206 the following section:—

"SECTION 206A. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of education shall require each school district to spend 90 per cent of the fiscal year 1999 state school aid increase on foundation allotment categories that directly support classroom activities. Such allotment categories, shall include, but not be limited to the following: (1) books and equipment; (2) expanded programs; (3) assistants; (4) extracurricular activities; (5) special education tuition; (6) support staff; (7) teaching staff; and (8) professional development. Districts may also count as much as 82 per cent of spending from the benefit category as direct support to classroom activities. Districts shall be exempt from the requirements of this section if fewer than 20 per cent of the students in such district scored below the state average on the assessment tests required by chapter 69 of the General Laws".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

YEAS.

Amorello, Matthew J.	Rauschenbach, Henri S.
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	

—7.

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	Norton, Thomas C.
Durand, Robert A.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Brien, John D.
Havern, Robert A.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Pines, Lois G.
Jajuga, James P.	Rosenberg, Stanley C.
Keating, William R.	Shannon, Charles E.
Lynch, Stephen F.	Tolman, Warren E.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Wilkerson, Dianne

—30.

ABSENT OR NOT VOTING.

Berry, Frederick E. Walsh, Marian"

The yeas and nays having been completed at twenty-nine minutes before o'clock P.M., the amendment was *rejected*.
Mr. Rosenberg moved to amend the bill, in section 2, by striking out item 0332-1900 and inserting in place thereof the following item:—

0332-1900	For the fourth district court of Bristol at Attleboro	1,081,73";

and, in section 82, in the third paragraph of proposed section 10, by striking out, after the words "district court of Peabody", the words "fourth district court of Bristol".
The amendment was *rejected*.
Mr. Pacheco moved to amend the bill, in section 2, in item 2001-1003, by inserting after the words "non-public entities", the following words:— "; provided, that not less than $150,000 shall be expended on local planning aid"; and, in section 2, in item 2001-1003, by striking out the figure "500,000" and inserting in place thereof the following figure:— "650,000".
The amendment was *rejected*.
Messrs. Panagiotakos and Tolman moved to amend the bill, in section 2, by inserting after item 7004-0099 the following item:—

"7004-0100	For the purposes of verification of income level to determine customer eligibility for the low-income discount established by chapter 164 of the acts of 1997; provided, that said income verification shall be conducted by the low-income weatherization and fuel assistance network, as identified by said chapter 164; provided further, that not more than $500,000 shall be expended for said income verification program; provided further, that any funds not expended for said income verification program or any funds not obligated for said income verification program by March 1, 1999 shall be distributed to eligible low-income households participating in the federal Low Income Home Energy Act of 1981, or any amendments or successor acts thereto; provided further, that said income verification program shall be administered by the department of housing and community development; and provided further, that said department shall work with the division of energy resources to develop and implement an assessment plan to assess electric utilities for the full costs of this item	500,000".

After debate, on the adoption of the amendment, on motion of Mr. Rauschenbach, a call of the yeas and nays was ordered on the adoption of the amendment. After further debate, Mr. Morrissey moved that the amendment be amended by substituting in place thereof the following:
In section 2 by inserting after item 7004-0099 the following item:—

"7004-0100	For the purposes of verification of income level to determine customer eligibility for the low-income discount rate established under chapter 164 of the acts of 1997; provided, that said income verification be conducted by the low-income weatherization and fuel assistance network as identified in said chapter 164; provided further, that no more than $500,000 be expended for said income verification program; provided further, that any funds not expended for said income verification program or any funds not obligated for said income verification	500,000".

program by March 1 be distributed to eligible low-income households participating in the federal Low Income Home Energy Assistance Act of 1981, or any amendments or successor acts thereto; and provided further, that said income verification program shall be administered by the department of housing and community development

Subsequently, there being no objection, on motion of Mr. Morrissey, the further amendment was withdrawn. There being no objection, the pending amendment (Panagiotakos and Tolman) was then withdrawn.

Messrs. Panagiotakos and Tolman then presented the following redrafted amendment.

In section 2, in item 4403-2110, by inserting after the words "housing supplies;" the following three provisos:— "provided further, that the department shall enter into an agreement with the department of housing and community development to administer a one-time program of verification of income level to determine customer eligibility and to provide information and outreach for the low-income discount established in subparagraph (I) of paragraph (4) of section 1F of chapter 164 of the General Laws; provided further, that such income verification shall be conducted by the low-income weatherization and fuel assistance network, referred to in section 19 of chapter 25 of the General Laws; provided further, that not more than $500,000 shall be expended for said income verification program;".

The amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2, in item 7061-9200, by adding the following three provisos:— "; provided further, that not less than $961,400 shall be provided for the purpose of establishing a technology pilot program which shall provide for one school district in the commonwealth the opportunity to purchase from The Lightspan Partnership, Inc. a complete technology package for grades K-6, and which shall provide for an additional five districts the opportunity to purchase partial technology packages for grades K-2 only; provided further, that the department of education shall first approve the content of said educational technology packages to insure their consistency with the statewide standards and curriculum frameworks developed by said department; and provided further, that the department shall execute a contract with The Lightspan Partnership, Inc. which shall state clear performance standards and academic goals to be achieved by the use of this technology, and assessment instruments to measure those goals, and which shall provide a guarantee that the full purchase price shall be refunded to the commonwealth in the event such goals are not met"; and by striking out the figures "742,686" and inserting in place thereof the following figure:— "1,704,086".

The amendment was *rejected.*

Mr. Antonioni moved to amend the bill, in section 2, in item 7061-9400, by inserting after the words "General Laws;" the following words:— "provided further, that not more than $250,000 may be utilized by the department of education to develop standards and assessment for the certificate of occupational proficiency, under clause (iii) of the fourth paragraph of section 1D of chapter 69 of the General Laws;".

The amendment was *rejected.*

Mr. Havern moved to amend the bill, in section 2, in item 7061-9611, by adding the following words:— "; provided that not less than $300,000 shall be expended for after-school programs that expand and enhance educational and cultural opportunities for students in grades six through nine; and provided further, that a grant to a municipality shall be contingent upon local matching funds in an amount not less than 100 per cent of the grant received".

The amendment was *rejected.*

Mr. Magnani moved to amend the bill, in section 2, in item 7061-9611, by striking out the words "and provided further, that $200,000 shall be expended for a violence prevention task force and for grants for violence prevention initiatives" and inserting in place thereof the following proviso:— "and provided further, that $310,000 shall be expended for a violence prevention task force and for grants for violence prevention initiatives"; and, in section 2, in item 7061-9611, by striking out the figure "4,525,000" and inserting in place thereof the following figure:— "4,635,000".

The amendment was *rejected.*

Mr. Magnani moved to amend the bill, in section 2, in item 7061-9611, by inserting after the words "school programs" the following proviso:— "; provided further, that not less than $25,000 shall be expended on the after-school science and math program of the Hastings School in Westborough".

The amendment was *rejected.*

Messrs. Amorello and Bernstein moved to amend the bill, in section 2, in item 7061-9612, by striking out the figure "819,231" and inserting in place thereof the following figure:— "1,019,231".

After remarks, the amendment was *rejected.*

Messrs. Nuciforo, Brewer and O'Brien moved to amend the bill, in section 2, by inserting after item 7061-9615, the following item:—

"7061-9617 For the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities of Lawrence, North Adams, Pittsfield, and the town of Orange; provided, that 250,000".

not less than $90,000 shall be expended for said program in the city of Pittsfield; provided further, that not less than $80,000 shall be expended for said program in the city of North Adams; and provided further, that the funds appropriated herein shall be transferred to the department of public health to administer said program

The amendment was *rejected*.

Messrs. Antonioni, Magnani and Joyce moved to amend the bill, in section 2, in item 7061-9621, by striking out the words "chronological age; or" and inserting in place thereof the following words:— "chronological age"; by adding after the words "high school juniors"; the following words:— "or, (4) an evaluation by the school that the child has exceptional potential in other areas, including but not limited to the Arts"; and by striking out the figure "437,970" and inserting in place thereof the following figure:— "637,970".

The amendment was *rejected*.

Messrs. Travaglini, Antonioni, Tolman, O'Brien, Lynch and Montigny moved to amend the bill, in section 2, in item 7061-9626, by striking out the figure "1,250,000" and inserting in place thereof the following figure:— "1,700,000".

The amendment was *rejected*.

Messrs. Havern and Joyce moved to amend the bill, in section 2, by striking out item 7061-9635 and inserting in place thereof the following item:—

"7061-9635 For the purpose of establishing a program to be known as the scholarship tax check off program for cities and towns with an accredited Dollars for Scholars program; provided, that cities and towns shall provide at least $1 for every dollar received in state funds pursuant to this item; and provided further, that cities and towns shall be eligible or such grants only if such cities and towns meet criteria established by the board of higher education, but not limited to grants for Public Higher Education 500,000".

The amendment was *rejected*.

Messrs. Morrissey and Pacheco moved to amend the bill, in section 2, in item 7061-0011, by inserting after the words "vocational regional and school districts" the following words:— "; (4) to assist school districts and regional school districts negatively affected by the region change and wage adjustment factor as calculated by the department of education and provided to said municipalities in a memorandum dated February 27, 1998".

After remarks, the amendment was adopted.

Messrs. Tisei, Lees and Tarr moved to amend the bill, in section 2, by inserting after item 7066-0000 the following item:—

7066-0004 For a program for a silver-haired legislature 37,000".

After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 7070-0065, by inserting after the words "tax credit"; the following proviso:— "provided further, that not less than $375,000 shall be expended for the purpose of allowing Quincy College to maintain the differential in tuition and fees at said college and the tuition and fees at the community colleges located in the commonwealth in relation to the community colleges participation in said scholarship program;"; and, in section 2, in item 7070-0065, by striking out the words "not less than $10,911,890" and inserting in place thereof the following words:— "not less than $11,868,890".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 7070-0065, by inserting after the words "tax credit;" the following proviso:— "provided that not less than $250,000 shall be expended for Quincy College;"; and by striking out the figure "89,296,828" and inserting in place thereof the following figure:— "89,546,828".

The amendment was *rejected.*

Mr. Magnani moved to amend the bill, in section 2, in item 7052-0003, by inserting after the words "provided further, that projects on the fiscal year 1998 priority lists ranked through number seven, inclusive, shall be given priority before any other projects;" the following proviso:— "provided further, that, effective July 1, 1999 and for subsequent fiscal years, if a community has an approved racial balance plan, no rule or regulation shall prohibit said community from receiving 90 per cent reimbursement for the construction or significant rehabilitation of any school building within said community;".

The amendment was *rejected*.
Messrs. Durand and Amorello moved to amend the bill, in section 2, in item 7077-0023, by striking out the figure "4,825,000" and inserting in place thereof the following figure:— "5,125,000".
The amendment was *rejected*.
Messrs. Norton and Montigny moved to amend the bill, in section 2, in item 7100-0200, by inserting, after the words "provided further, that not less than $628,834 shall be expended for the expense of a gerontology institute;", the following words:— "provided further, that not less than $500,000 shall be expended for the expense of the Gerontology Center at the University of Massachusetts at Dartmouth;".
The amendment was *rejected*.
Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 7100-0200, by striking out the figure "275,000" and inserting in place thereof the following figure:— "395,000".
The amendment was *rejected*.
Mr. Lynch moved to amend the bill, in section 2, in item 7100-0200, by adding the following:— "; provided further, that not less than $150,000 shall be expended for the Labor Resource Center at the University of Massachusetts, Boston to conduct a comprehensive study of jobs, jobseekers and what constitutes a living wage in the commonwealth, such study shall be known as the "Job Gap study' and; and provided further, that said Center shall submit a report and make recommendation based on said study to the joint committee on commerce and labor".
The amendment was *rejected*.
Ms. Wilkerson moved to amend the bill, in section 2, by inserting after item 7100-0200 the following item:—

"7100-0201	For the purpose of preparing for a full and accurate count in the year 2000 federal census; provided, that the University of Massachusetts, acting through the Monroe Trotter Institute, shall undertake all steps necessary to assist in and prepare for a full population count for the year 2000 federal census; provided further, that said Trotter Institute shall coordinate its activities with the other institutes of said university; provided further, that in gathering information, said Trotter institute shall conduct workshops with community groups; provided further, that said Trotter institute shall prepare a report highlighting obstacles to a full and accurate population count and making recommendations as to ensure a full and accurate population count; and provided further, that such report shall be submitted to the clerk of the house and senate, the house and senate committees on ways and means and to the state secretary not later than January 31, 1999	100,000".

The amendment was *rejected*.
Mr. Nuciforo moved to amend the bill, in section 2, in item 7113-0100, by striking out the figure "11,708,148" and inserting in place thereof the following figure:— "12,585,079".
The amendment was *rejected*.
Mr. Knapik moved to amend the bill, in section 2, in item 7506-0100, by adding the following proviso:— "; provided further, that there shall be a Home Information Center located at the campus of Holyoke Community College".
The amendment was *rejected*.
Mr. Knapik moved to amend the bill, in section 2, by inserting after item 7506-0100 the following item:—

"7506-0101	For the operation of the Holyoke Home Information Center at Holyoke Community College	139,000".

The amendment was *rejected*.
Mr. Knapik moved to amend the bill, in section 2, by inserting after item 7506-0100 the following item:—

"7506-0101	For the operation of the Holyoke Home Information Center at Holyoke Community College	75,000".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 7508-0100, by adding the following two provisos:— "; provided further that not less than $45,600 shall be expended for the creation of a Tech Prep Pilot Program, and provided further, that not less than $75,000 shall be expended for the creation of a Pre-Employment Skills Training Program."; and, in section 2, in item 7508-0100, by striking out the figure "16,634,729" and inserting in place thereof the following figure:— "16,424,191".

The amendment was *rejected*.

Messrs. Clancy and Berry moved to amend the bill, in section 2, in item 7511-0100, by striking out the figure "15,567,307" and inserting in place thereof the following figure:— "16,059,472".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 4000-0600, by inserting after the words "qualified aliens, so-called;" the following words;— "provided further, that the division shall provide coverage for a smoking cessation program which utilizes nicotine and non-nicotine based smoking cessation products for eligible enrollees;".

After debate, the amendment was adopted.

Messrs. Norton and Pacheco, Ms. Melconian, Messrs. Lynch, O'Brien, Durand, Tolman, Morrissey, Ms. Jacques, Ms. Wilkerson, Mr. Joyce, Ms. Fargo, Messrs. Montigny, Amorello and Keating and Ms. Pines moved to amend the bill, in section 2, by striking out item 4000-0122 and inserting in place thereof the following item:—

"4000-0122	For a citizenship assistance program to assist legal non-citizens in becoming citizens of the United States; provided, that the executive office of health and human services is authorized and directed to enter into an interagency service agreement with the office for refugees and immigrants for the administration of said program: provided further, that said program shall be administered in consultation with said executive office, the department of transitional assistance, and the division of medical assistance; provided further, that said program shall be provided through community-based organizations to the maximum extent determined appropriate by the office for refugees and immigrants; provided further, that the program funded by this item: (1) shall provide assistance to persons who are eligible to become citizens of the United States within three years; (2) may be funded not only through state appropriations but also through matching financial or in-kind contributions by private organizations or local government agencies; provided further, that persons who would qualify for benefits provided pursuant to chapter 118A of the General Laws, but for their status as legal non-citizens shall be accorded the highest priority for provisions of services; provided further, that said program shall neither be an entitlement, nor be construed to create an entitlement, and shall be subject to state appropriation; provided further, that the office for refugees and immigrants shall issue quarterly reports to the house and senate committees on ways and means and to the executive office of administration and finance on the number of persons participating in said program and the number of persons attaining citizenship in each quarter; provided further, that said report shall also detail the number of participants in said program receiving state-funded benefits by category of benefits and the federal benefits each participant would have been eligible for, but for his status as a	2,000,000".

legal non- citizen: provided further. that said office for refugees and immigrants shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance on the amounts of matching or in-kind contributions by private organizations or local government agencies; provided further, that no funds shall be expended from this item to replace expiring federal funds; provided further, that no funds shall be expended from this item for AA subsidiary payroll costs, so-called; and provided further, that it is declared to be the intention of the general court that this program shall not continue beyond fiscal year 2000 and that not more than an aggregate amount of $6,000,000 shall be expended for the purposes of said program during the period from fiscal year 1998 through fiscal year 2000, inclusive

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill, in section 2, by striking out item 7514-0100 and inserting in place thereof the following item:—

"7514-0100 For Springfield Technical Community College; provided, that $606,920 shall be allocated for a reserve for the operation and maintenance expenses incurred by said Springfield Technical Community College associated with the acquisition of the Digital property, so-called; provided, that said college may expend revenues in an amount not to exceed $575,000 received from rent, utility and other charges for the operation and maintenance of said property; and provided further, that $235,336 shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of said Springfield Technical Community College in the acquisition of the Digital property, so-called; and provided further, that $30,000 shall be allocated for the operation of the home information center located in the town of East Longmeadow 20,246,360".

The amendment was *rejected.*

Mr. O'Brien moved to amend the bill, in section 2, in item 8000-0010, by striking to the figure "20,660,000" and inserting in place thereof the following figure:— "20,700,000"; and, in said section 2, in said item 8000-0010, by inserting after the word "Agawam" the following word:— "Andover".

The amendment was *rejected.*

Ms. Pines moved to amend the bill, in section 2, in item 8000-0010, by inserting after the word "Brockton," the following word:— "Brookline,".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, in item 8000-0010, by inserting after the word "Medford," the following word:— "Melrose,".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, in item 8000-0010, by adding the following proviso:— "provided further, that not less than $40,000 shall be provided for the funding of the community school service anti-violence officer position in the city of Malden in addition to the grant award to such city in fiscal year 1998".

The amendment was *rejected.*

Ms. Fargo moved to amend the bill, in section 2, in item 8000-0010, by inserting after the word "Worcester" the following words:— "and Concord".

The amendment was *rejected.*
Ms. Fargo moved to amend the bill, in section 2, in item 8000-0010, by inserting after the word "Worcester" the following words:— "and Sudbury".
The amendment was *rejected.*
Mr. Tarr moved to amend the bill, in section 2, in item 8000-0010, by inserting after the word "Boston," the following proviso:— "; provided further, that $15,000 shall be made available to the town of Wilmington, in addition to any other grants the town may receive, for the purpose of a pilot program of community policing for the elderly at the housing complex located on Deming Way in said town,".
The amendment was *rejected.*
Mr. Travaglini, Ms. Jacques, Ms. Wilkerson, Messrs. Lees, Montigny, Jajuga and Antonioni moved to amend the bill, in section 2, by inserting after item 8000-0020, the following item:—

"8000-0030	For the operation of a hate crimes awareness program to be administered by the executive office of public safety	100,000".

The amendment was *rejected.*
Mr. Jajuga moved to amend the bill, in section 2, in item 8000-0105, by striking out the figure "3,356,181" and inserting in place thereof the following figure:— "3,740,939".
The amendment was *rejected.*
Mr. Shannon moved to amend the bill, in section 2, in item 8100-0000, by inserting after the words "explosives technicians" the following words:— "; provided further, that no management level employee compensated from this item shall receive any increase in compensation until said department complies fully with the provisions of section 131".
The amendment was adopted.
Mr. Lees moved to amend the bill, in section 2, in item 8100-0000, by inserting after the words "commission properties and parkways;" the following words:— "provided further, that not less than $15,000 shall be encumbered to reimburse the city of Springfield arson and bomb squad for services performed at the request of the department of state police;".
The amendment was *rejected.*
Mr. Clancy moved to amend the bill, in section 2, in item 8100-0000, the following item:—

"8100-0001	For the purpose of state police cruisers; provided, that not less than $100,000 shall be expended for the purchase of vehicles for the parole board	5,000,000
	Highway Fund	100.0%".

The amendment was *rejected.*
Mr. Jajuga moved to amend the bill, in section 2, in item 8100-0007, by inserting after the words "office of the Attorney General;" the following proviso:— "; provided further, that not less than $425,000 shall be expended at the direction of the state fire marshal for the purpose of arson investigation and hazardous devices response.".
The amendment was *rejected.*
Ms. Wilkerson moved to amend the bill, in section 2, by inserting after item 8100-0201 the following item:—

"8100-0301	For the payroll costs of state police patrols; provided, that not less than $200,000 shall be expended to provide patrols along the southwest corridor, so-called, of the city of Boston	200,000".

The amendment was *rejected.*
Mr. Keating, Ms. Pines and Messrs. Panagiotakos and Joyce moved to amend the bill, in section 2, in item 8200-0200, by striking out the figure "3,383,235" and inserting in place thereof the following figure:— "3,951,541".
The amendment was *rejected.*
Messrs. Moore and Brewer moved to amend the bill, in section 2, by inserting after item 8324-1000 the following item:—

"8324-1xxx	For the establishment and operation of the 1-800-Fire-Line Recruitment Program to be run out of the Phillipston Fire Department	50,000".

The amendment was *rejected.*
Mr. Montigny moved to amend the bill, in section 2, in item 8324-0000, by adding the following words:— "; provided further,

that not more than $300,000 shall be expended to the town of Dartmouth Fire District No. 3 for the purchase of a fire suppression apparatus to provide for fire protection to the county correctional facility and the University of Massachusetts Dartmouth; and provided further, that said grant shall not be allotted or disbursed prior to the commencement of $150,000 in matching funds from the town of Dartmouth for said fire suppression apparatus".

The amendment was *rejected*.

Messrs. Norton and Jajuga moved to amend the bill, in section 2, in item 8324-1000, by striking out the figure "75,000" and inserting in place thereof the following figure:— "125,000"; and by striking out the figure "2,133,738" and inserting in place thereof the following figure:— "2,383,738".

The amendment was *rejected*.

Mr. Keating moved to amend the bill, in section 2, in item 8324-1000, by adding the following provisos:— "; provided further, that not more than $175,000 shall be expended for a matching grant to the town of Medfield fire department for the replacement of a fire suppression unit that has been responding to Medfield State Hospital for the past 22 years; provided further, that it be equipped with 4" diameter supply hoses needed to access the fire pump system and water mains located at Medfield State Hospital and have the ability to pump 1250 gpm volumes of water needed to respond to 46 multi-storied buildings; and provided further, that said grant shall not be allotted or disbursed prior to the commitment of equal matching funds from the town of Medfield for said fire suppression unit."; and by striking out the figure "2,133,738" and inserting in place thereof the following figure:— "2,308,738".

The amendment was *rejected*.

Mr. Knapik moved to amend the bill, in section 2, in item 8324-1000, by adding the following proviso:— "; and provided further, that $60,000 shall be expended for the purposes of instructor and staff development at the Westover Fire Training Facility located in the city of Chicopee".

The amendment was *rejected*.

Messrs. Norton and Jajuga moved to amend the bill, in section 2, by inserting after item 8324-1000 the following item:—

"8324-1007	For the operation of the hazardous materials emergency response program	1,700,000".

The amendment was *rejected*.

Messrs. Norton and Jajuga moved to amend the bill, in section 2, by inserting after item 8324-1000 the following item:—

"8324-1101	For the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the General Laws and the rules and regulations promulgated pursuant thereto	162,390".

The amendment was *rejected*.

Mr. Tisei moved to amend the bill, in section 2, in item 8324-1500, by adding the following proviso:— "; provided further, that not less than $32,5000 shall be provided for the community based fire prevention program in the city of Malden".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 129, by adding after the word "shall" the following words:— "create the automobile registration and insurance law enforcement program to", and further, in said section 129, by inserting after the word "laws", the following words:— "and to publicize to the citizens of the commonwealth any changes to said provisions; provided, that the department of revenue shall purchase and develop computers and computer programs and hire administrative or computer support personnel necessary to enforce said provisions; provided further that not more than 40 per cent of the appropriation shall be spent on administration and personnel; and provided further, that the commissioner shall report to the clerks of the house and senate by the second Monday in September, 1998 what, if any, additional appropriations and amendments to the General Laws are necessary to enforce said provisions".

After debate, the amendment was adopted.

Mr. Jajuga moved to amend the bill, in section 2, in item 8700-0001, by adding the following proviso:— "provided further, that not less than $600,000 shall be expended for the improvements to the Newburyport armory".

The amendment was adopted.

Messrs. Clancy and Tisei moved to amend the bill, in section 2, in item 8700-0001, by adding the following proviso:— "provided, that no firearms shall be discharged on the premises of Camp Curtis Guild".

The amendment was adopted.

Mr. Moore moved to amend the bill, in section 2, in item 8700-0001, by adding the following words:— "and provided further, that not less than $65,000 shall be expended to provide military honors at the burial services of deceased Massachusetts veterans within the commonwealth."

The amendment was *rejected*.

Mr. Moore moved to amend the bill, in section 2, by striking out item 8700-1140 and inserting in place thereof the following item:—

"8700-1140	The state quartermaster is hereby authorized to expend revenues collected up to a maximum of $340,000 accrued from fees for the nonmilitary use of armories for the costs of utilities and maintenance; provided, that the state quartermaster may expend funds from this item for salaries, subsistence, quarters and associated costs for national guard soldiers ordered to perform state missions pursuant to the provisions of chapter 33 of the General Laws, from the revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses	340,000".

The amendment was *rejected.*

Mr. Jajuga moved to amend the bill, in section 2, in item 8850-0001, by striking out the figure "218,187" and inserting in place thereof the following figure:— "229,111"; and further, in said section 2, in said item 8850-0001, by striking out the figure "50.0%", the first time it appears, and inserting in place thereof the following figure:— "100.0%"; and, in said section 2, in said item 8850-0001, by striking out the words "Motorcycle Safety Fund . . . . . 50.0%".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, by inserting after item 8850-0001 the following item:—

"8850-0003	For a traffic mitigation fund, to help provide relief to those communities with inordinate amounts of traffic congestion on local roads, to provide up to $10,000 per grant for acquisition of traffic equipment, including, but not limited to, speed awareness signs, so called; provided, the grants shall be administered by the governor's high way safety bureau and shall be awarded on a first-come, first-serve basis to municipalities submitting applications meeting program requirements	1,000,000".

The amendment was *rejected.*

Mr. Knapik moved to amend the bill, in section 2, by striking out item 8850-0001 and inserting in place thereof the following item:—

"8850-0001	For the highway safety program to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402(d)	218,187
	Highway Fund	100.0%".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, by inserting after item 8850-0001 the following item:—

"8850-0002	For the street-name sign incentive program, to provide an incentive for cities and towns to mark all streets in their communities with regulation street-name signage designed to aid in the emergency response of public safety services, in the use of the E911 system, and to provide safety and convenience for motorists; provided, that the city or town applying for a grant to replace or install street name signs first demonstrates 100 per	50,000".

cent compliance using local funding, to be reimbursed 80 per cent upon submission of an application and self-inspection to the Massachusetts highway department within the same fiscal year grant cycle, and provided further, that the signage conforms to certain specifications as promulgated in the code of Massachusetts regulations; and provided further, that intersections of major streets with side streets have signs indicating the names of both streets; provided, the grants will be administered by the Massachusetts highway department on a first-come, first served basis

The amendment was *rejected.*

Mr. Jajuga moved to amend the bill, in section 2, in item 8850-0015, by striking out the figure "130,368" and inserting in place thereof the following figure:— "176,888".

The amendment was *rejected.*

Mr. Jajuga, Ms. Melconian and Mr. Norton moved to amend the bill, in section 2, in item 8900-0001, by striking out the words "and provided further" and inserting in place thereof the following words:— provided further"; and, in said section 2, in said item 8900-0001, by adding at the end thereof, the following additional language:— "; provided further, that the department of corrections shall implement a state-wide post conviction victim and witness advocacy program, that no less than $150,000 shall be expended for salaries and employee benefits of five victim and witness advocates, that such positions shall be in addition to any positions approved as of February 1, 1998, that training and technical assistance shall be provided and that the program will be coordinated, monitored and evaluated; and, in said section 2, in said item 8900-0001, by striking out the figure "300,125,452" and inserting in place thereof the following figure:— "300,275,452"; and, in said section 2, in item 8000-0110, by adding the following proviso:— "; provided further, that the board shall hire one administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post conviction victim and witness certification program; and, in said section 2, in said item 8000-0110, by striking out the figure "5,535,774" and inserting in place thereof the following figure:— "5,570,774".

The amendment was *rejected.*

Ms. Wilkerson moved to amend the bill, in section 2, in item 8900-0015, by striking out the words "provided further, that not less than $90,000 shall be expended for a contract with the Mary E. Sargent house to provide transitional housing services to women and children;"; in said section 2, in said item 8900-0015, by striking out the figure "1,040,000" and inserting in place thereof the following figure:— "950,000".; in said section 2, in item 4406-3000, by inserting after the words "Berkshire county chapter of the American Red Cross" the following words:— "; provided further, that not less than $90,000 shall be expended for a contract with the Mary E. Sargent house to provide transitional housing services to women and children."; and in said section 2, in said item 4406-3000, by striking out the figure "31,146,143" and inserting in place thereof the following figure:— "31,236,143".

After remarks, the amendment was adopted.

Ms. Wilkerson moved to amend the bill, in section 2, in item 8900-0015, by inserting after the words "incarcerated expectant mother;" the following words:— "provided further, that not less than $96,000 shall be expended for a contract with the McGrath house for the correction alternative program, so-called;"; and in section 2, in said item 8900-0015, by striking out the figure "1,040,000" and inserting in place thereof the following figure:— "1,136,000".

The amendment was *rejected.*

Mr. Montigny moved to amend the bill, in section 2, in item 8910-0000, by striking out the figure "385,000" and inserting in place thereof the following figure:— "415,000".

The amendment was adopted.

Messrs. Keating, Shannon and Ms. Fargo moved to amend the bill, in section 2, in item 8950-0001, by striking out the words ", including the victim and witness assistance program of said parole"; and, in section 2, by inserting after item 8950-0001 the following item:—

"8950-0002	For the victim and witness assistance program of the parole board	187,076
	Victim Witness Assistance Fund	100.0%".

The amendment was *rejected*.

Mr. Clancy and Ms. Wilkerson moved to amend the bill, in section 2, by inserting after item 8950-0001 the following item:—

8950-0003	For the purchase of vehicles for the parole board	100,000".

The amendment was *rejected*.
Mr. Joyce moved to amend the bill, in section 2, in item 9110-1900, by striking out the figure "5,800,171" and inserting in place thereof the following figure:— "6,000,171"; and, in section 2, in item 9110-1900, by striking out the words "not less than $80,000" and inserting in place thereof the following words:— "not less than $280,000".
The amendment was *rejected*.
Mr. Joyce moved to amend the bill, in section 2, in item 9110-1633, by striking out the figure "36,476,045" and inserting in place thereof the following figure:— "38,054,458".
The amendment was *rejected*.
Ms. Fargo, Messrs. Lynch, Berry and Tarr moved to amend the bill, in section 2, by inserting after item 9110-1600 the following item:—

"9110-1661	For residential assessment and placement programs for homeless elders	600,000".

The amendment was *rejected*.
Mr. Morrissey moved to amend the bill, in section 2, in item 9110-9002, by adding the following proviso:— "; provided further, that not less than $37,000 be expended for the Silver Haired Legislature".
The amendment was *rejected*.
Mr. Rauschenbach moved to amend the bill, in section 2A, in item 7003-1623, by adding the following words:— "; provided further that not less than $50,000 shall be expended for the Hyannis Salvation Army for the purposes of a dislocated worker training program; and provided further, that said funds shall come from the Governor's discretionary Fund under Title III of the Job Training and Partnership Act".
The amendment was adopted.
Mr. Morrissey moved to amend the bill, in section 2B, in item 1775-0901, by striking out the words "For the development of a cost savings plan to facilitate the purchase of electricity and natural gas by the commonwealth and its political divisions" and inserting in place thereof the following words:— "For the development of a cost savings plan to facilitate the purchase of electricity and natural gas by the commonwealth and participating subdivisions".
After remarks, the amendment was adopted.
Mr. Clancy moved to amend the bill by inserting after section the following section:—
"SECTION 52A. Chapter 90 of the general Laws is hereby amended by striking out section 6B, as so appearing, and inserting in place thereof the following section:—
Section 6B. Notwithstanding any contrary provision of law, the registrar shall issue two number plates for all passenger vehicles. Such plates shall be displayed at the front and rear of the vehicle for which it is issued and all consistent provisions of law or of rules and regulations relating to number plates shall apply to such plates. To complete the reissue conversion to two number plates for all passenger vehicles, distribution of pairs shall begin not later than January 1, 2000. Successive new general issues of registration number plates shall be issued every seven years thereafter".
The amendment was *rejected*.
Mr. Tisei moved to mend the bill, in section 22, by adding the following subclause:—
"(J) the area has sited within it a development project of at least 200 acres to be used for the establishment of a regional technology center with the capability of supporting the build-out of 3,000,000 square feet of commercial or industrial space".
The amendment was adopted.
Mr. Tisei moved to amend the bill, in section 23, by striking out the words "subclause (I)" and inserting in place thereof the following words:— "subclauses (I) and (J)".
The amendment was adopted.
Messrs. Norton and Jajuga moved to amend the bill by inserting after section 21 the following section:—
"SECTION 21A. The General Laws are hereby amended by inserting after chapter 21J the following chapter:—

Chapter 21K.
Mitigation of Hazardous Materials.

Section 1. As used in this section the following words shall have, unless the context clearly requires otherwise, the following meanings:
"ct of God', an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight. A natural disaster is unanticipated when it is of a type unexpected given the area, the season, and the past history of conditions.
"Department', the department of fire services.
"Division of hazardous material response', a division within the department of fire services.
"Emergency mitigation response', those actions taken by the hazardous materials mitigation emergency response team due to the release or threatened release of hazardous materials, which the department reasonably believes poses an imminent threat to the life, health, or safety of the public.
"Fiduciary', a person (I) who is acting in any of the following capacities: an executor or administrator as defined in section 1 of chapter 197, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will or inter

vivos instrument creating a trust under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the commonwealth; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for the benefit of creditors pursuant to sections 40 to 42, inclusive, of chapter 203; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto; and, (ii) who holds legal title to, controls, or manages, directly or indirectly, any site or vessel as a fiduciary for purposes of administering an estate or trust of which such site or vessel is a part.

"Hazardous material', material including but not limited to, any material, in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. The term shall include oil. The term shall also include but it is not limited to all those substances which are included under 42 USC 9601(14).

"Hazardous materials mitigation emergency response advisory board', the advisory board as defined in section 2.

"Hazardous materials mitigation emergency response plan', a contingency plan developed by the hazardous materials mitigation emergency advisory board to be followed by the hazardous materials mitigation emergency response team when responding to a release or threat of release of hazardous materials which pose an imminent threat to the life, health, or safety of the public.

"Imminent threat', a threat which poses a significant risk of harm to the life, health, or safety of the public, if it were present or left unabated for even a short period of time.

"Incident commander', the local fire chief of the jurisdiction in which there has been a release or threat of release which requires a hazardous materials mitigation emergency response.

"Indicia of ownership primarily to protect a security interest', only those interests in real or personal property typically acquired and held as security or collateral for payment or performance of an obligation. Such interests shall include, without limitation, a mortgage, deed of trust, lien, security interest, assignment, pledge, or other right or encumbrance against real or personal property, including those security interests which have a contingent interest component, which are furnished by the owner thereof to assure repayment of a financial obligation, and contractual participation rights in such interests, provided, however, that the contract conferring such rights confers no other interest in the site or vessel.

"Marshal', the state fire marshal.

"Oil', insoluble or partially soluble oils of any kind or origin or in any form including but not limited to crude or fuel oils, lube oil or sludge, asphalt, and soluble or partially soluble derivatives of mineral, animal or vegetable oils.

"Owner', or "operator', shall be as defined in section 2 of chapter 21E.

"Person', any agency or political subdivision of the federal government or the commonwealth, any state, public, or private corporation or authority, any interstate body, foreign nation, individual, trust, firm, joint stock company, partnership, association, or other entity, and any officer, employee, or agent of such person, and any group of persons.

"Public utility company', a public utility as defined in paragraph (j) of section 5 or chapter 21E.

"Release', any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excluding: emissions from the exhaust of an engine; (ii) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in 42 USC 2014, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 42USC2210; and (iii) the normal application of fertilizer; and (iv) the application of pesticides consistent with their labeling.

"Secured lender', (I) a person who holds indicia of ownership in a site or vessel primarily to protect that person's security interest in said site or vessel; (ii) two persons when one holds indicia of ownership in a site or vessel primarily to protect the other person's security interest in that site or vessel if the person holding the indicia of ownership is: (1) wholly owned by the person holding the security interest; (2) an affiliate of the person holding the security interest and both are wholly-owned, directly or indirectly, by the same person; and (3) persons who hold contractual participation rights in a security interest, and any of the following which hold indicia of ownership in a site or vessel primarily to protect that security interest: a wholly owned subsidiary of any such person; an affiliate of any such person if both are wholly-owned, directly or indirectly, by the same person; and any entity formed among such persons, subsidiaries, or affiliates.

"Site', any building, structure, installation, equipment, pipe or pipeline, including any pipe into a sewer or publicly-owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any other place or area where oil or hazardous material has been deposited, stored, disposed of or placed, or otherwise come to be located, and which requires an emergency mitigation response. The term shall not include any consumer product in consumer use or any vessel.

"Team leader', an individual vested with the authority to oversee and command the operation of the hazardous materials mitigation emergency response team during an emergency mitigation response action.

"Threat of release', a substantial likelihood of a release which requires action to prevent or mitigate an imminent threat to the life, health, or safety of the public which may result from such release.

"Trade secret', anything tangible which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production, or management information, design, process, procedure, formula, invention, or improvement.

"Vessel', every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Section 2. There is hereby established within the department a hazardous materials mitigation emergency response advisory board. The board shall review the development of standards, rules, procedures, and regulations for hazardous materials mitigation

emergency response and cost recover. The board shall consist of the following members: the state fire marshal or his designee; the commissioner of the department of environmental protection or his designee; and four members to be appointed by the governor, two of whom shall be representatives of the Fire Chiefs Association of Massachusetts, neither of whom shall be a hazardous materials technician, and two representatives of the Professional Firefighters Association of Massachusetts, of whom one shall be a hazardous materials technician. The commissioner of the department of environmental protection or his designee shall be a nonvoting member. No member shall receive compensation for his service as a member of the board, but shall receive from the commonwealth all expenses necessarily incurred in connection with his official duties. Appointed members shall serve a term of three years and shall be eligible for reappointment.

Section 3. The department, acting through the division of hazardous materials response, administered by the state fire marshal or his designee, is authorized and directed to prepare and from time to time update a hazardous materials mitigation emergency response plan. The department, in consultation with the board, shall promulgate such regulations, procedures, and standards as it deems necessary for the implementation, administration, and enforcement of this chapter. Such regulations, procedures, and standards shall be developed by the department with input and review of the board and may include provisions waiving or limiting the applicability of this chapter as to any matter which the department determines to be adequately regulated by another program or government agency. The department shall integrate its implementation and enforcement of this chapter in conjunction with other programs established for the protection of the public health, safety, welfare, and the environment including the national contingency plan and the Massachusetts contingency plan.

Section 4. The department may, at the request of the local fire department or on its own authority, dispatch member departments of the hazardous materials mitigation emergency response plan to any site in the commonwealth for the purposes of conducting an emergency mitigation response for any hazardous material release or threat of release. During declared emergency mitigation response action, the team leader shall have complete operational authority for hazardous materials team operations at all times. Once the team leader has determined that the imminent threat of harm from the hazardous materials release has been satisfactorily mitigated, the team leader shall thereafter notify the incident commander. The incident commander shall have authority over the emergency mitigation response site during a declared emergency mitigation response.

All emergency mitigation response actions taken by any member department under the hazardous materials mitigation emergency response plan shall be deemed to have been taken on behalf of the department and for the benefit of the commonwealth for the purposes of implementing the provisions of this chapter. This chapter shall not be construed in any manner to limit or abridge the right of the department of environmental protection to respond to a release or treat of release pursuant to chapter 21E.

Section 5. (a) Except as otherwise provided in this section: (1) the owner or operator of a vessel or a site from which there is or has been a release of hazardous materials; (2) any person who at the time of storage or disposal owned or operated any vessel or site from which said hazardous materials were stored or disposed and from which there has been a release; (3) any person who by contract, agreement, or otherwise, directly or indirectly arranged for or engaged in the transport, disposal, storage, or treatment of hazardous materials in a site or from a vessel from which there is or has been a release of hazardous materials; or (4) any person who otherwise caused or is legally responsible for a release of hazardous materials from a vessel or a site, shall be liable, without regard to fault, to the commonwealth for the reimbursement of all associated costs, as determined by the department, for an emergency mitigation response action.

(b) The department shall provide any owner, operator or otherwise responsible party whom it reasonably believes is responsible, with an itemized bill of all costs incurred for which the department is seeking reimbursement. Said bill shall be so provided within 60 days from the department ascertaining the identity of the owner, operator, or otherwise responsible party reasonably believed liable, and said bill shall: (1) identify the vessel or the site and date where the response occurred; (2) identify and describe the response action taken; and (3) describe the legal and factual basis for the department's claim to the noticed party for liability pursuant to this section.

Reimbursement for emergency mitigation response costs pursuant to this chapter shall be in addition to any other remedy otherwise available and not be construed in any manner to limit or abridge the right of any person, including the commonwealth, to recover all other reasonable costs, damages, penalties, or fines pursuant to chapter 21E, or any other applicable law, statute, rule, or regulation.

(d) No person, except a person liable pursuant to this chapter, who without charge provides assistance at the request of a duly authorized representative of the department in mitigating a hazardous materials release, shall be held liable for civil damages as the result of any act or omission by him in mitigating a hazardous materials release, except for acts or omissions of gross negligence or willful misconduct.

(e) There shall be no liability under subsection (a) for a person otherwise liable who can establish by a preponderance of the evidence that the release of hazardous material and the costs incurred as a result of an emergency mitigation response by the department resulting therefrom were caused by: (1) an act of God; (2) an act of war; or (3) an act or omission of a third party other than an employee or agent of the person, or of one whose act or omission occurs in connection with a contractual relationship, directly or indirectly with the person, if the person establishes by a preponderance of the evidence that he exercised due care with respect to the hazardous material and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from such acts or omissions.

(f) Any person who owns a one to four family residence that is an emergency mitigation response site at which the department has incurred emergency mitigation response costs for the release of oil, shall not be liable to the department for such costs if such person can establish by a preponderance of the evidence that: (1) he is not a person described in clauses (3) and (4) of subsection (a); and (2) the site was being used exclusively as a one to four family residence throughout his ownership and he claimed permanent residency at the site; and, (3) he immediately notified the local fire department of the release of oil as soon as he had

knowledge of it.
(g) All persons liable pursuant to this section for costs incurred as the result of an emergency mitigation response shall be liable jointly and severally.
(h) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any site or form any other responsible person who may be liable for a release of hazardous material under this section, to any other person the liability imposed under this section. Nothing in this paragraph shall bar any agreement to insure, hold harmless, or indemnify a party to such an agreement for any liability under this section.
(I) Notwithstanding any other provision of this chapter, no person who is otherwise liable for a hazardous materials release for which the department has incurred costs from an emergency mitigation response pursuant to this chapter, shall avoid, reduce, or postpone such liability or such person's ability to pay for such liability: (1) by establishing any form of estate or trust if such estate or trust is intended to be a device to avoid, reduce, or postpone such liability; (2) by establishing indicia of ownership to protect what purports to be a bona fide security interest but what is intended to be a device to avoid, reduce, or postpone such liability or such person's ability to pay for such liability; (3) by any conveyance or transfer of ownership or control of property or assets of any kind that purports to be a bona fide transaction but is intended to avoid, reduce, or postpone such liability or such person's ability to pay for such liability; or (4) by any other means that purport to be bona fide but are intended to avoid, reduce, or postpone such liability or such person's ability to pay for such liability.
(j) An agency of the commonwealth or a public utility company that owns a right of way that is a site at which the department has incurred costs for an emergency mitigation response shall not be liable to the commonwealth for those costs if the agency or public utility can establish by a preponderance of the evidence that: (1) it is not the owner or operator of any building, structure, installation, equipment, pipe or pipeline, including any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft from which the release has occurred; (2) it is not a person or successor to a person described in clause (2), (3) or (4) of subsection (a); (3) no act of the agency or public utility company, or of the agency or public utility company's employee or agent, caused or contributed to the release of hazardous materials or caused the release of hazardous materials to become worse that it otherwise would have been; (4) it notified the local fire department and the department of environmental protection immediately upon knowledge of a release in accordance with the provisions of chapter 21E; (5) it provided reasonable access, including moving utilities or disrupting service to the site, to the department to conduct emergency mitigation response; or (6) it did not know or have reason to know of the presence of hazardous material on the site when it came into possession of the right of way.
(k) In an action for recovery y the department of the costs of an emergency mitigation response under this chapter, liability to the commonwealth shall be only for the department's actual recoverable response costs, plus litigation costs and reasonable attorney's fees. However, if the court finds by a preponderance of the evidence that any person who is liable has failed to act reasonably or in good faith by refusing to reimburse the department for emergency mitigation response costs as provided by this chapter, it may in its own equitable discretion award the commonwealth up to three times the total actual recoverable response costs, litigation costs, and attorney's fees.
(l) Notwithstanding the provisions of any general or special law to the contrary, all monies collected by the commonwealth under this chapter by reimbursement, settlement, judgement, or otherwise shall be deposited in the general fund.
Section 6. No court shall have jurisdiction to review any issue concerning the adequacy of any emergency mitigation response conducted by the department unless the proceeding in court is an action under section 5 to recover costs of an emergency mitigation response action.
Section 7. (a) Any owner, operator, or otherwise responsible party reasonably believed to be liable who is aggrieved by any action of the department may petition the department for administrative review of its actions within ten days of receipt of notice as provided in section Five. The department's review and the procedures for reviewing responses made by the department shall not be adjudicatory proceedings. Any owner, operator or otherwise responsible party aggrieved by the decision of the department may bring a civil action in the nature of certiorari, pursuant to section 4 of chapter 249; provided, however, that the action shall be commenced within 30 days of the date of determination of review made by the department.
(b) Upon request of the department, the attorney general may bring an action to recover all costs incurred by the commonwealth for an emergency mitigation response as the result of hazardous material release.
Actions brought by the attorney general pursuant to this chapter to recover emergency mitigation response costs and actions brought by the attorney general to enforce or foreclose liens recorded or filed pursuant to this chapter, shall be commenced within five years from the date the commonwealth incurs all such costs or five years from the date the commonwealth discovers that the person against whom the action is being brought is a person liable pursuant to this chapter for a hazardous material release for which the commonwealth has incurred emergency mitigation response costs, whichever is later.
Section 8. Any liability to the commonwealth under this chapter shall constitute a debt to the commonwealth. Any such debt, together with interest thereon at the rate of 12 per cent per annum from the date such debt becomes due, shall constitute a lien on all property owned by persons liable under this chapter when a statement of claim naming such persons is recorded, registered, or filed. If a fiduciary or secured lender has title to or possession of the property and is not a person liable under this chapter when a statement of claim is recorded, registered, or filed, such debt and interest thereon at the rate 12 per cent per annum from the date the debt becomes due, shall constitute a lien on the property in question when a statement of claim describing the property is duly recorded, registered, or filed. Any lien on real property shall be effective when duly recorded at the registry of deeds or registered in the registry district of the land court for the county or district from where the land lies. Any lien for personal property, tangible or intangible, shall require a statement to be filed in accordance with the provisions of chap-

ter 106. Any such statement shall be approved by the department. Any lien recorded, registered, or filed pursuant to this section shall have priority over any encumbrance theretofore recorded, registered, or filed with respect to any site, other than real property principally used as residential housing, described in such statement of claims. All other personal property shall be subject to the priority rules of said chapter 106. Such lien shall continue in force with respect to any real or personal property until a release signed by the department is recorded, registered, or filed in the place where the statement of claim as to such property affected by the lien was recorded, registered, or filed. The department shall forthwith issue such a release in any case where the debt for which such lien attached, together with interests and costs thereon, has been paid or legally abated. If no action to enforce or foreclose the lien is brought by the deadline prescribed in subsection (b) of section 7, the lien shall be discharged after said deadline. This section shall not apply in any manner to any "public utility' as defined in paragraph (j) of section 5 of chapter 21E. Section 9. Notwithstanding the provisions of any general or special law to the contrary, any information, record, or particular part thereof, obtained by the department, its personnel or contractors pursuant to the provisions of this chapter, upon request shall be confidential and shall not be considered to be a public record when it is determined by the state fire marshal that such information, record, or report relates to secret processes, methods of manufacture, or production, or that such information, record, or report, of made public, would divulge a trade secret."

The amendment was *rejected.*

Mr. Lynch moved to amend the bill by adding the following section:—

"SECTION 211. There is hereby established a special commission to study the solvency of the Unemployment Compensation Fund. Said special commission shall examine employer schedules, taxable wage base and similar issues related to the solvency of said fund. Said special commission shall consist of three members of the senate, one of whom shall be the senate chairman of the joint committee on commerce and labor and one of whom shall be from the minority party; three members of the house of representatives, one of whom shall be the house chairman of the joint committee on commerce and labor and one of whom shall be from the minority party, the director of the department of labor and workforce development, or his designee, the deputy director of the division of employment and training, or his designee; three persons to be appointed by the governor, from the nominations submitted by the president of the Massachusetts AFL-CIO; one person to be appointed by the governor representing the Associated Industries of Massachusetts; one person to be appointee by governor representing the Massachusetts Business Roundtable; and one person to be appointed by the governor representing small businesses. Said special commission shall report, in writing, the results of said study together with its recommendations, if any, and drafts of legislation, if any, necessary to carry out such recommendations, by filing the same with the senate and house committees on ways and means and the joint committee on commerce and labor not later than May 1, 1999".

The amendment was adopted.

Mr. Clancy moved to amend the bill by striking out section 28.

The amendment was adopted.

Ms. Murray moved to amend the bill, in section 32, by striking out the words "In such arbitration, the arbitrator shall consider, but not be limited to considering, the financial stability and the solvency of the host community and the constraints imposed upon the municipal finances of the host community by the operation of section 21C".

The amendment was adopted.

Ms. Jacques moved to amend the bill by striking out section 38 and inserting in place thereof the following two sections:—

"SECTION 38. Said paragraph (a) of said Part B of said section 3 of said chapter 62 is hereby further amended by inserting after subparagraph (11) the following subparagraph:—

(12) The Part B interest income from financial institutions located in the commonwealth, pursuant to subparagraph (A) of paragraph (1) of subsection (b) of section 2, for each individual who, for the taxable year, both: (a) claimed the additional exemption afforded by paragraph (b) for those individuals who have attained the age of 65 during said taxable year and (b) had total adjusted gross income of not more than:

(I) in the case of a married couple filing jointly who have claimed two exemptions under the provisions of clause of subparagraph (2) of paragraph (b), $60,000;

(ii) in the case of a single individual or a head of household filer, $30,000.

SECTION 38A. Said paragraph (a) of said Part B of said section 3 of said chapter 62 is hereby further amended by inserting after subparagraph (11) the following subparagraph:—

(13) An amount equal to the amount of interest payments paid by the taxpayer on educational debt during the taxable year. For the purposes of this subparagraph, the term "educational debt' shall mean any loan which was or is administered by the financial aid office of a two-year or four-year college at which the taxpayer, or a dependent of such taxpayer, pursuant to subparagraph (3) of paragraph (b) of Part B, was enrolled as an undergraduate student and which has been secured through a state student loan program, a federal student loan program or a commercial lender and which loan was obtained and expended solely for the purposes of paying tuition and other expenses directly related to such undergraduate student enrollment".

After remarks, the amendment was adopted.

Ms. Melconian moved to amend the bill by inserting after section 42 the following two sections:—

"SECTION 42A. Section 2 of chapter 62E of the General Laws, as amended by chapter 64 of the acts of 1998, is hereby amended by inserting after the sixth sentence, the following sentence:— Upon making the first payment under an annuity contract or policy or under a disability income policy, or upon making the first payment of dividends under a life insurance policy, any insurance company making such a payment shall, in addition, notify the department of revenue of such payment.

SECTION 42B. The first sentence of section 9 of said chapter 62E, as amended by said chapter 64, is hereby amended by striking out the words "or contractor' each time they appear, and inserting in place thereof, in each instance, the following words:— ",

contractor or other recipient of periodic income.' "; and by inserting after section 67 the following two sections:—
"SECTION 67A. The first sentence of section 24D of chapter 175, as amended by chapter 64 of the acts of 1998, is hereby further amended by inserting after the words "prior to making any', the following word:— "non-recurring'.
SECTION 67B. Subsection (a) of said section 24D of said chapter 175, as so amended, is hereby further amended by striking out the last sentence and inserting in place thereof the following paragraph:—
For the purposes of this section, the word "claimant' shall mean an individual who brings a claim against an insured under a liability insurance policy or the liability coverage portion of a multiperil policy, or a beneficiary under a life insurance policy. The governor shall appoint a committee consisting of the commissioner of revenue or his designee, the commissioner of insurance or his designee, and a representative of the property insurance industry. Said committee shall present a report to the legislature no later than December 31, 1998 on the projected amount of child support collections that would result from adding first party claims under non-commercial policies to the system established by this section".
The amendment was adopted.
Mr. Nuciforo moved to amend the bill, in section 54, by inserting after the words "the term "facility' shall not include" the following words:— "an inpatient facility of psychiatry in the town of Stockbridge with a therapeutic regiment of psychoanalytic oriented therapy in a community setting or".
The amendment was *rejected*.
Mr. Pacheco moved to amend the bill by striking out section 54.
The amendment was *rejected*.
Mr. Pacheco moved to amend the bill by striking out section 60.
The amendment was *rejected.*
Mr. Lynch moved the bill, in section 210, by adding the following sentence:— "The provisions of said section 2RR of said chapter 29, and of said section 66, shall cease to be effective on December 31, 2002.".
After remarks, the amendment was adopted.
Mr. Brewer moved to amend the bill by striking out section 75 and inserting in place thereof the following section:—
"SECTION 75. Section 2 of said chapter 211B of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 133 of said chapter 43 of the acts of 1997, and inserting in place thereof the following sentence:— There shall be 80 justices appointed to the superior court department, 7 justices appointed to the housing court department, 4 justices to the land court department, 48 justices appointed to the probate and family court department, 11 justices appointed to the Boston municipal court department, 36 justices appointed to the juvenile court department, two of whom shall be designated as circuit justices so-called to be assigned at the discretion of the chief justice of the juvenile court department to the district courts of western Massachusetts to meet case load needs, and 176 justices and special justices appointed to the district court department."
The amendment was *rejected.*
Mr. Tarr moved to amend the bill, in section 82, by inserting after the words "district court of Franklin", the following words:— "The third district court of Essex at Ipswich".
The amendment was *rejected.*
Mr. Antonioni moved to amend the bill by inserting after section 88 the following six sections:—
"SECTION 88A. The first sentence of paragraph (d) of section 1 of chapter 773 of the acts of 1960, as unended by section 2 of chapter 684 of the acts of 1963, is hereby further amended by striking out the words "the demolition or removal of any buildings or structures on land so acquired or interests in which are so acquired and site preparation' and inserting in place thereof the following words:— the demolition or removal of any buildings or structures, including buildings or structures owned by the commonwealth, on land so acquired or interests in which are so acquired and site preparation.
SECTION 88B. The first sentence of the fourth paragraph of section 2 of said chapter 773, as amended by section 12 of chapter 267 of the acts of 1995, is hereby further amended by striking out the word "Seven' and inserting in place hereof the following word:— "six'.
SECTION 88C. Section 4 of said chapter 773 is hereby amended by striking out clause (c), as amended by section 5 of chapter 684 of the acts of 1963, and inserting in place thereof the following clause:— To maintain an office or offices in the town of Amherst and elsewhere within the commonwealth and to conduct meetings of the Authority in accordance with the by-laws of the authority and the provisions of the second paragraph of section 59 of chapter 156B of the General Laws.
SECTION 88D. Section 7 of said chapter 773 is hereby amended by striking out the second paragraph, as amended by section 11 of chapter 684 of the acts of 1963.
SECTION 88E. Section 10 of said chapter 773, as most recently amended by section 15 of Chapter 267 of the acts of 1995, is hereby further amended by striking out the words "one hundred and eighty-two' and inserting in place thereof the following figure:— "200'.
SECTION 88F. Section 18 of said chapter 773, as most recently amended by section 37 of chapter 579 of the acts of 1980, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—
The provisions of sections 26 to 29, inclusive, and of sections 44A to 44H, inclusive, of chapter 149 of the General Laws, the provisions of sections 39F to 39P, inclusive, and section 39R, of chapter 30 of the General Laws are hereby made applicable to the Authority. Notwithstanding the foregoing, with the approval of the governor, the Authority may use an alternative mode of procurement of design and construction including, but not limited to, sequential, construction management, turnkey, design/build procurement and the phasing of such procurement including, but not limited to, approval of design and construction stages as separate or combined phases, which will most efficiently, economically and best serve the interests of the Authority. In all cases,

the Authority shall use procedures which are compatible with the policies and procedures for the selection of designers in sections 38A½ to 38O, inclusive, of chap-ter 7 of the General Laws and with the policies and procedures for the selection of contractors in sections 44A to 44H, inclusive, of chapter 149 of the General Laws to the extent feasible in light of the mode selected."

The amendment was *rejected.*

Messrs. Havern and Joyce moved to amend the bill, in section 115, by striking out the words "$100 per student" and inserting in place thereof the following words:— "$125 per student".

The amendment was *rejected.*

Mr. Morrissey moved to amend the bill by inserting after section 121 the following section:—

"SECTION 121A. Notwithstanding the provisions of any general or special law to the contrary, the Plymouth county correctional facility, with the approval of the sheriff of Plymouth county, may be used as a regional lock-up facility within Plymouth county. Said facility may be used with the approval of the sheriff and at the discretion of the individual chiefs of police, for the detention of persons arrested. The Plymouth county correctional facility, when used as a lock-up facility, shall have the same function and power as a lock-up established under section 34 of chapter 40 of the General Laws. The costs of maintaining said regional lock-up facility shall not be borne by the commonwealth nor shall be included in the maintenance of effort expended by said county for said facility.".

The amendment was *rejected.*

Messrs. Clancy, Jajuga and Berry moved to amend the bill, in section 124, in subsection (8), by striking out the words "July 1, 1999" and inserting in place thereof the following words:— "December 31, 1998.".

The amendment was *rejected.*

Messrs. Moore, Brewer and Amorello moved to amend the bill, in section 124, subsection (12), by inserting after the words "and without impairment of seniority, retirement or other rights of employees" the following words:— "and without change in union representation".

The amendment was adopted.

Mr. Moore moved to amend the bill, in section 124, by striking out subsection (35).

The amendment was *rejected.*

Mr. Clancy moved to amend the bill by striking out section 127 and inserting in place thereof the following section:—

"SECTION 127. Notwithstanding the provisions of any general or special law to the contrary, the commissioners of the department of mental retardation, the department of mental health, the disabled persons protection commission and the Massachusetts rehabilitation commission shall report serious cases of abuse which constitute a felony under the General Laws including, but not limited to, all cases in which a person with a disability has: died; has been the victim of a violation of sections 13F, 13H, 13K, 22 or 24 of chapter 265 of the General Laws; section 30 of chapter 266 of the General Laws; section 35 of chapter 272 of the General Laws; or section 3 or 7 of chapter 272 of the General Laws; suffered serious bodily injury as the result of a pattern of repetitive actions by a caretaker; and all other matters which are reported to departmental personnel by mandated reporters or other employees who have contact with disabled persons in residential, day or other settings, to the special investigative unit established under paragraph (I) of section 3 of chapter 19C of the General Laws which shall conduct an initial investigation and pursuant to the provisions of section 4 of said chapter 19C immediately refer such cases to the office of the district attorney of competent jurisdiction. No department, agency or commission as described in this section shall be designated as the primary investigator in such felony abuse cases."

The amendment was adopted.

Messrs. Hedlund and Morrissey moved to amend the bill, in section 131, by inserting after the words "South Boston section of the city of Boston;", the following words:— "provided further, that not less than $127,486 shall be expended for the cost of increased state police patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull;".

The amendment was *rejected.*

Mr. Joyce moved to amend the bill, in section 2, in item 2100-2030, by adding the following proviso:— "; and provided further, that $10,000 shall be expended for the Ponkapoag celebration in the town of Canton.".

The amendment was *rejected.*

At four minutes before five o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at sixteen minutes past five o'clock P.M., the Senate reassembled, the President in the Chair.

Mr. Joyce moved to amend the bill, in section 131, by inserting after the words "and in the towns of Canton, Milton and Randolph;" the following proviso:— "; provided further, that not less than $103,000 shall be expended for the cost of state police patrols for the Neponset River bicycle path in the Dorchester section of the city of Boston and the town of Milton.".

The amendment was *rejected.*

Mr. Havern moved to amend the bill by striking out section 142.

The amendment was *rejected.*

Mr. Montigny moved to amend the bill, in section 149, by striking out the words "in an amount" and inserting in place thereof the following words:— "equal to one-half of the amount"; and, in said section 149, by inserting before the words "the division of health care finance and policy" the words:— "provided, the division of health care finance and policy shall transfer one-half of said specified amount from the Uncompensated Care Trust Fund established by subsection (a) of said section 18 of said chapter 118G to said program account; and provided further,".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes before six o'clock P.M., on motion of Mr. Rauschenbach, as follows, to wit (yeas 22 — nays 16):

YEAS.

Amorello, Matthew J.	Magnani, David P.
Antonioni, Robert A.	Melconian, Linda J.
Bernstein, Robert A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Clancy, Edward J., Jr.	Morrissey, Michael W.
Durand, Robert A.	Norton, Thomas C.
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Tolman, Warren E.
Keating, William R.	Travaglini, Robert E.
Lynch, Stephen F.	Walsh, Marian

—22.

NAYS.

Creedon, Robert S., Jr.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Pines, Lois G.
Jajuga, James P.	Rauschenbach, Henri S.
Knapik, Michael R.	Shannon, Charles E.
Lees, Brian P.	Tarr, Bruce E.
Murray, Therese	Tisei, Richard R.
O'Brien, John D.	Wilkerson, Dianne

—16.

ABSENT OR NOT VOTING.

Berry, Frederick E.

—1.

The yeas and nays having been completed at fifteen minutes before six o'clock P.M., the amendment was adopted.

Ms. Wilkerson moved to amend the bill, in section 169, by inserting after the words "department of revenue" the following words:— ", persons applying for or receiving medicaid or unemployment compensation"; and, in said section 169, by inserting after the fifth sentence the following sentence:— "In order to comply with the provisions of this section, the office of the jury commissioner shall seek any and all appropriate approvals from federal officials to permit the jury commissioner to obtain the names and addresses of persons receiving medicaid, unemployment compensation or benefits through the department of transitional assistance".

The amendment was adopted.

At fourteen minutes before six o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-one minutes past seven o'clock P.M., the Senate reassembled, the President in the Chair.

Mr. Lees moved to amend the bill, in section 194, by striking out the third sentence and inserting in place thereof the following:— "Said advisory council shall consist of 17 persons, five to be appointed by the governor, five to be appointed by the speaker of the house, one to be appointed by the minority leader of the house, five to be appointed by the president of the senate, and one to be appointed by the minority leader of the senate, and shall consist of representatives of state agencies, consumers,

medical research and provider communities and representatives of the Massachusetts chapters on Alzheimer's disease and related disorders association.".
The amendment was adopted.
Messrs. Travaglini, Montigny, Joyce and Magnani moved to amend the bill by striking out section 196 and inserting in place thereof the following section:—
"SECTION 196. There is hereby established a special commission consisting of the secretary of administration and finance, or his designee, who shall serve as chairman, the secretary of elder affairs, or his designee, the commissioner of medical assistance, or his designee, one member of the Massachusetts Home Care Association, one member of the Home and Health Care Association, and one representative of a consumer receiving Medicare home health services to be appointed by the governor for the purposes of studying the impact of current and anticipated reductions in Medicare spending as a result of the Balanced Budget Act of 1997, so-called, on the provision of home health and state-funded home care services to elderly and disabled persons in the commonwealth. Said special commission shall use the results of said study to develop a plan for assisting agencies that provide home based health care funded by Medicare that face severe financial duress or agencies that provided home-based care that face substantial increases in demand for their services as a result of reductions in Medicare spending. Said plan may include direct expenditure of the funds appropriated in item 1599-0900 of section 2 of this act or the transfer of funds from said item to items 9110-1630, 9110-1633, or 4000-0600 for the provision of home health, home care or case management services; provided, that funds from item 1599-0900 shall not be used to provide nursing home services. Nothing described in said plan shall give rise to enforceable legal rights to any party or an enforceable entitlement to the assistance funded by said item; and provided further, that nothing contained in this section shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement. The commission shall report the results of said study, including said plan, by filing the same with the clerks of the house and senate no later than September 1, 1998, and shall implement the plan within thirty days after such filing."
The amendment was adopted.
Mr. Havern moved to amend the bill, in section 196, by inserting after the words "and a representative of consumers receiving home based care funded by Medicare appointed by the governor" the following words:— "and a representative of the Massachusetts Hospital Association or his designee, appointed by the Governor".
The amendment was *rejected.*
Mr. Lees moved to amend the bill, in section 198, by inserting after the words "one of whom shall be the house chairman of the joint committee on public service," the following words:— "and one of whom shall be a member of the minority party in the house,"; and, in section 198, by inserting after the words "one of whom shall be the senate chairman of the joint committee on public service" the following words:— ", and one of whom shall be a member of the minority party in the senate."
The amendment was adopted.
Ms. Jacques moved to amend the bill, in section 199, by inserting after the words "under the laws of the commonwealth." the following sentence:— "Said commission shall also study and make recommendations regarding the benefits provided to the surviving spouses of servicemen or servicewomen who died while serving in the armed forces of the United States or suffered service connected disabilities."; in said section 199, by inserting after the words "three members of the senate, one of whom shall be the chairman of the joint committee on public service," the following words:— "one of whom shall be the chairman of the senate committee on post audit and oversight,".
The amendment was adopted.
Mr. Lees moved to amend the bill, in section 201, by inserting after the words "one of whom shall be the house chairman of the joint committee on health care" the following words:— ", and one of whom shall be a member of the minority party in the house;"; and, in section 201, by inserting after the words "one of whom shall be the senate chairman of the joint committee on health care" the following words:— ", and one of whom shall be a member of the minority party in the senate;".
The amendment was adopted.
Mr. Berry moved to amend the bill by inserting after section 209 the following section:—
"SECTION 209A. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established the position of ombudsman in the Massachusetts Bay Transportation Authority for the purpose of monitoring The Ride Program, so-called, including the monitoring of "not available' rates, so-called, tracking consumer complaints and acting as a central resource for queries relating to The Ride Program."
The amendment was *rejected.*
Mr. Pacheco moved to amend the bill by striking out section 204 and inserting in place thereof the following section:—
"SECTION 204. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established a special commission to study the potential reuse of the building and grounds of the Dever State School, which shall evaluate the best use of said property from a community and regional perspective. Said commission shall consist of the commissioner of capital planning and operations, or his designee, the commissioner of mental retardation, or his designee, the director of economic development or his designee, one member appointed by the Southeastern Regional Planning and Economic Development District, one member appointed by the mayor of the city of Taunton, two members from the department of mental retardation region V citizen advisory board to be appointed by the commissioner of said department, one member of the Dever Association, one member representative of the AFL-CIO, the state senator from the first Plymouth and Bristol district, the state representative from the third Bristol district, the state representative from the fourth Bristol district, the state representative from the fifth Bristol district, and one member appointed by the greater Taunton chamber of commerce. The commission shall file a report and recommendations with the house and senate committees on ways and means not later than June 30, 1999."
The amendment was adopted.

Mr. Havern move to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. There is hereby established a special commission on expenditures by commonwealth for snow and ice operations which shall be comprised of four members of the house of representatives, one of whom shall be appointed by the minority leader, three members of the senate, one of whom shall be appointed by the minority leader, the secretary of administration and finance or his designee and the commissioner of highways or his designee. Said commission shall be charged with conducting an analysis and review of the process for making appropriations and supplemental appropriations with regard to snow and ice operations and making recommendations for improvements in the policies and procedures currently utilized with the goal of ensuring more timely payment to vendors and contractors utilized by the commonwealth in snow and ice operations and procedures utilized by the Highway Fund in ensuring the most cost-effective use of private vendors. Said commission shall hold its first meeting not later than September 30, 1998 and shall file a report with recommendations with the clerks of the house of representatives and senate and the senate and house committees on ways and means not later than March 1, 1999."
The amendment was adopted.
Mr. Morrissey and Ms. Fargo moved to amend the bill by inserting after section 206 the following section:—
"Section 206A. The executive director of the Massachusetts Bay Transportation Authority, the MBTA so-called, is hereby directed and authorized to develop and issue requests for proposals for the naming or renaming of any current or future MBTA station; provided however, that each such proposal shall require the current name to be retained as part of the new name; provided, that a copy of such proposals shall be forwarded to the joint committee on transportation and the house and senate committees on ways and means; provided, that any money derived from the successful award of any contract pursuant to these request for proposals shall be utilized to proportionately reduce, in fiscal year 2000, and any fiscal year thereafter, the local assessments on the so-called "fringe communities,' including the following communities: Ashland, Cohasset, Dover, Duxbury, Hanover, Lynnfield, Marshfield, Medfield, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland, and Wenham." The amendment was *rejected.*
Mr. Morrissey, Ms. Jacques, Mr. Magnani and Ms. Fargo moved to amend the bill by inserting after section 206 the following section:—
"Section 206A. In the year 1999 the local Massachusetts bay transportation authority assessments of the so-called "fringe communities,' including the following communities: Ashland, Cohasset, Dover, Duxbury, Hanover, Lynnfield, Marshfield, Medfield, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland, and Wenham shall be 95 per cent of the amount that was assessed in fiscal year 1998."
The amendment was *rejected.*
Mr. Morrissey moved to amend the bill by inserting after section 206A (inserted by amendment) the following section:—
"Section 206B. The Brockton Area Transit Authority and the Massachusetts Bay Transportation Authority are hereby directed jointly to study the feasibility of providing interdistrict transportation services for the town of Rockland and contiguous communities to satisfy the transportation needs, including but not limited to shopping, health care, daycare and education. Said study and accompanying recommendations shall be filed with the secretary of transportation, the house and senate ways and means committees and the joint committee on transportation on or before April 1, 1999."
The amendment was adopted.
Mr. Morrissey moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. There is hereby established the South Shore Recycling Cooperative, a public body politic and corporate, hereinafter referred to as the cooperative. The towns of Abington, Cohasset, Duxbury, Hanover, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Rockland, Scituate, and Weymouth are hereby authorized to enter into an agreement to join said cooperative.
Said cooperative shall be for the purposes of and in accordance with an agreement entitled "Intermunicipal Agreement for Cooperative Recycling on the South Shore,' hereinafter referred to as the agreement, which is on file in the office of the town or city clerks of the members.
This section shall take effect in any city or town referred to in the first paragraph of this section upon vote by town meeting or city council, as the case may be, to accept the provisions of this section and the agreement. The cities and towns referred to in the first paragraph of this section which accept the provisions of this section and the agreement shall be the initial members of the board of directors of the cooperative. Any other city or town may join the cooperative by vote of town meeting or city council, as the case may be, to accept the provisions of the agreement and to accept the provisions of this section; provided, however, that no such city or town may become a member unless such membership is accepted by majority vote of the board of directors of the cooperative.
The powers and authority of the cooperative shall be vested in a board of directors, which shall be composed of two representatives from each member city or town, appointed for three year terms. One representative from each member city or town shall be appointed by the elected or appointed municipal board or commission which has the authority over solid waste management in said city or town. One representative shall be appointed by the board of selectmen or the city council as the case may be, of the city or town. Each member city or town shall have one vote in all votes taken by the board of directors.
In addition to the powers enumerated in the agreement, the board of directors of said cooperative shall have the rights and powers: to adopt bylaws for the regulation of its affairs and the conduct of its business; provided however, that said bylaws be consistent with this section, to adopt an official seal and alter the same at its pleasure; to maintain an office at such place or places as it may determine; to sue and be sued and to prosecute and defend action relating to its properties and affairs; to own and maintain real and personal property; to apply for, accept, and disburse grant funds; to receive, manage, and disburse funds; to conduct regional procurement of supplies and services for members, to prepare, advertise, and award contracts to provide

regional solid waste or recycling services for member towns, to change its name, and to hire and fire personnel.
The cooperative shall not have the power of eminent domain, nor the power to levy taxes, to require the payment of any funds by members, except as provided by the agreement. The cooperative shall not incur debt which obligates its assets for periods of more than one fiscal year. The cooperative shall be subject to all local zoning or nonzoning land-use by-laws and regulations. The employees and agents of the cooperative shall be agents and employees of the cooperative and not of the member cities or towns."
The amendment was *rejected.*
Mr. Jajuga moved to amend the bill by inserting after section 209 the following section:—
"SECTION 209A. The secretary of public safety shall conduct a study relative to amending the operating under the influence laws and the methods for maximizing federal funding revenue sources. Said secretary shall report the results of such study to the joint committee on criminal justice and public safety and the house and senate committees on ways and means not later than December 1, 1998."
After remarks, the amendment was adopted.
Mr. Tarr moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. For the purpose of time counted toward retirement, those county commissioners elected in 1996, shall be credited with serving the full four years of their term of office and shall receive all retirement benefits for which they shall be eligible based upon completing the four-year term to which they were elected in 1996 and which would, in the absence of the abolition of county government, end on the first Wednesday in January, 2001.
Upon the abolition of county government effective on or after July 1, 1999, those county commissioners who were elected in 1996 for four-year terms ending on the first Wednesday of January, 2001 and nonelected county employees who have completed ten or more years of creditable service and whose position are abolished and who are not transferred to state employment, shall receive a super-annuation retirement allowance."
The amendment was *rejected.*
Mr. Joyce moved to amend the bill, in section 2, in item 7052-0005, by adding the following proviso:— "; and provided further, that not less than $30,000 shall be expended for the purpose of making a grant to the town of Randolph for constructing a playground at or near the Tower Hill School."
The amendment was *rejected.*
Mr. Joyce moved to amend the bill, in section 2, in item 6005-0011, by adding the following proviso:— "; and provided further, that not less than $11,700,000 shall be expended for the purpose of renovating and repairing the Shawmut MBTA Station." The amendment was *rejected.*
Mr. Joyce moved to amend the bill, in section 2, by inserting after item 7003-0800 the following item:—

"7003-08xx	For the Youth At Risk Program in the city of Boston for the purpose of funding summer jobs programs	2,000,000".

The amendment was *rejected.*
Mr. Joyce moved to amend the bill, in section 2, by inserting after item 0612-1010 the following item:—

"0612-1506	For a reserve to meet the commonwealth's obligation for the fiscal year ending June 30, 1999, pursuant to section 22B of chapter 32 of the General Laws, to reduce the unfunded pension liabilities of public retirement systems, other than the state employee and state teachers systems; provided, that the distribution from this reserve shall be based upon a determination by the secretary of administration and finance of actual payroll costs for the fiscal year ending June 30, 1998	6,993,706".

The amendment was *rejected.*
Messrs. Lynch, Joyce and Pacheco moved to amend the bill by inserting after section 64 the following four sections:—
"SECTION 64A. Section 1 of chapter 151 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words "five dollars and twenty-five cents' and inserting in place thereof the following figure:— $5.75.
SECTION 64B. The second sentence of said section 1 of said chapter 151 is hereby further amended by striking out the figure "5.75', inserted by section 64B, and inserting in place thereof the following figure:— $6.25.
SECTION 64C. Said second sentence of said section 1 of said chapter 151 is hereby further amended by striking out the figure "6.25', inserted by section 64C, and inserting in place thereof the following figure:— $6.75.
SECTION 64D. Said section 1 of said chapter 151 is hereby further amended by adding the following sentence:— As of September 1 of every year, the commissioner shall increase the wage rate specified in the preceding sentence to reflect increases

in the consumer price index prepared by the United States Bureau of Labor Statistics for all urban consumers nationally during the most recent 12 month period for which data are available."; and by inserting after section 248 (inserted by amendment) the following section:—
"SECTION 249. Section 64A shall take effect on September 1, 1998. Section 64B shall take effect on September 1, 1999. Section 64C shall take effect on September 1, 2000. Section 64D shall take effect on July 1, 2001."
After remarks on the question on adoption of the amendment, Messrs. Lees and Tisei moved that the amendment be amended by substituting the following:
By inserting after section 64 the following two sections:—
"SECTION 64A. Section 1 of chapter 151 of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "five dollars and twenty-five cents' and inserting in place thereof the following figure:— $5.65.
SECTION 64B. The second sentence of said section 1 of said chapter 151, as amended by section 64A, is hereby further amended by striking out the figure "$5.65' and inserting in place thereof the following figure:— $6.15"; and by inserting after section 212 the following two sections:—
"SECTION 212A. Section 64A shall take effect on September 1, 1998.
SECTION 212B. Section 64B shall take effect on September 1, 1999."
After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-one minutes before eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 29):

YEAS.

Amorello, Matthew J.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E.
Tisei, Richard R.

—7.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Fargo, Susan C.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

—29.

ABSENT OR NOT VOTING.

Berry, Frederick E.
Durand, Robert A.
Keating, William R.

—3.

The yeas and nays having been completed at fifteen minutes before eight o'clock P.M., the further amendment was *rejected.*
The pending amendment (Lynch, et al.), was further considered. After further debate on the question on adoption of the amendment, at twenty-nine minutes before nine o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at twenty-one minutes past nine o'clock P.M., the Senate reassembled, Mr. Norton in the Chair.
The amendment was further considered.
After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at seven minutes before ten o'clock P.M., on motion of Mr. Lynch, as follows, to wit (yeas 35 — nays 4):

YEAS.

Amorello, Matthew J.
Antonioni, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Bernstein, Robert A.
Birmingham, Thomas F.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tisei, Richard R.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

—35.

NAYS.

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E.

—4.

ABSENT OR NOT VOTING.

Berry, Frederick E.

The yeas and nays having been completed at two minutes before ten o'clock P.M., the amendment was adopted.
Messrs. Lees and Tisei moved to amend the bill by inserting after section 64 the following two sections: —
"SECTION 64A. Section 1 of chapter 151 of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "five dollars and twenty-five cents' and inserting in place thereof the following figure:— $5.65.
SECTION 64B. The second sentence of said section 1 of said chapter 151, as amended by section 64A of this act, is hereby further amended by striking out the figure "$5.65' and inserting in place thereof the following figure:— $6.15"; and by inserting after section 212 the following two sections:—
"SECTION 212A. Section 64A shall take effect on September 1, 1998.
SECTION 212B. Section 64B shall take effect on September 1, 1999.".
The amendment was *rejected.*
Ms. Pines and Mr. Montigny moved to amend the bill, in section 2, in item 2260-8870, by inserting after the words "New Bedford harbor;" the following words:— "provided further, that not less than $750,000 shall be expended for Tier 1A site oversight, and chapter 21E site discovery, enforcement and compliance, so-called;"; and in said section 2, in item 2260-8870, by striking out the figure "16,076,186" and inserting in place thereof the following figure:—"16,826,186".
The amendment was *rejected.*
Ms. Pines, Durand, Joyce and Nuciforo moved to amend the bill, in section 2, in item 2350-0100, by striking out the figure "9,208,025" and inserting in place thereof the following figure:— "9,766,956".
After debate, the amendment was *rejected* by a vote of 11 to 16.
Mr. Shannon moved to amend the bill, in section 2, in item 2420-1400, by inserting in line eighteen after the words "General Laws" the following words:— "; provided further, that the metropolitan district commission shall provide the Massachusetts Water Resources Authority advisory board with an annual presentation of the expenses of watershed management operations funded by this item for which said authority is charged.".
The amendment was adopted.
Ms. Pines, Messrs. Lynch, Joyce, Keating and Ms. Wilkerson moved to amend the bill [A], in section 2, in item 4510-0810, by striking out the words "who are 16" inserting in place thereof the following words:— "who are 12"; and [B], in said section 2, in item 4510-0810, by striking out the figure "200,000" and inserting in place thereof the following figure:— "927,000".
On motion of Ms. Pines, the amendment was divided.
The Senate *rejected* so much of the divided amendment contained therein beginning at [B]. Ms. Pines then moved a substitute amendment for the text of the divided amendment contained therein beginning at [A] and ending with the words "who are 12".
The redrafted amendment reads as follows:— In section 2, in item 4510-0810, by striking out the words "who are 16 years of age and older".
The redrafted amendment was adopted.
Mr. Travaglini moved to amend the bill, in section 2, in item 4512-0200, by striking out, in lines 14 through 16, the words:— "provided further, that not less than $650,350 shall be expended for a contract with Sobriety, Treatment, Education and Prevention, doing business as STEP, Inc." and inserting in place thereof the following words:— "provided further, that not less than $800,350 shall be expended for contracts with Sobriety, Treatment, Education and Prevention, Inc., doing business as STEP, Inc., $100,350 of which shall be expended for outpatient services"; and, in said section 2, in said item 4512-0200, by striking out the figure "44,296,977" and inserting in place thereof the following figure:— "44,446,977".
The amendment was *rejected.*
Mr. Antonioni moved to amend the bill, in section 2, in item 7027-0016, by adding the following words:— "; and provided further, that not less than $1,124,950 shall be made available to Jobs for Bay State Graduates, Inc. for the purpose of school-to-work activities"; and, in said section 2, in said item 7027-0016, by striking out the figure "864,000" and inserting in place thereof the following figure:— "1,749,000".
After remarks, the amendment was adopted.
Mr. Magnani moved to amend the bill, in section 2, in item 8324-1000, by inserting after the words "Northampton State Hospital" the following proviso:— "; provided further, that the fire marshal shall establish a course for municipal fire personnel in blasting technologies and safety; provided further, that said fire marshal may establish fees to cover the cost of said course".
After remarks, the amendment was adopted.
Mr. Shannon moved to amend the bill, in section 2, in item 9110-0100, in lines thirteen and fourteen, by striking out the words "seek private funding of not more than $37,000 for the elder advocacy organization known as the silver haired legislature" and inserting in place thereof the following words:— "expend not more than $37,000 for the elder advocacy organization known as the silver haired legislature".
The amendment was *rejected.*
Messrs. Nuciforo, Jajuga, Lees and Knapik moved to amend the bill by adding the following section:—
"SECTION 212. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the department of fisheries, wildlife and environmental law enforcement, in consultation with the secretary of administration and finance, shall study the issue of selling and issuing licenses and registration certificates, including the renewal and transfer thereof issued pursuant to the provisions of subsection (a) of section 30 and sections 11, 22 and 23 of chapter 90B and sections 2, 4, 17, 38, and 83 of chapter 130, in order to determine whether persons other than the director should be authorized to act as an

agent for said director and charge a fee therefor, and shall issue a report and recommendations, if any, together with legislation and shall file the same with the clerk of the house and senate and the house and senate committees on ways and means not later than November 15, 1998."
The amendment was adopted.
Mr. Lynch moved to amend the bill, in section 124, by inserting after subsection (23) the following subsection:—
"(23A) Said section 12 of said chapter 48 is hereby further amended by inserting, after the words "abolished county', the following words:— and the Suffolk county register of deeds."
The amendment was adopted.
Messrs. Pacheco and Montigny moved to amend the bill, in section 142, by striking out the words "general fund" and inserting in place thereof the following words:— "Children and Seniors' Health Care Assistance Fund, established in section 2FF of chapter 29 of the General Laws; provided further that said transferred unexpended balance shall be used for MassHealth expansion demonstration projects, so-called, as defined in section 9A of chapter 118E of the General Laws".
After remarks, the amendment was adopted.
Messrs. Pacheco and Montigny moved to amend the bill, in section 143, by striking out the figure "49,196,484" and inserting in place thereof the following figure:— "35,467,306".
The amendment was adopted.
Mr. Lynch moved to amend the bill, in section 124, in subsection (22), by inserting after the words "July 1, 1998' the following words:— ", and in Suffolk County, on July 1, 1999; provided, however, that said secretary shall have general superintendence over the Suffolk county register of deeds as of July 1, 1998.'; and by inserting after subsection (22) the following three subsections:—
"(22A) The first paragraph of section 11 of said chapter 48 is hereby amended by inserting, after the word "deeds', in the first sentence, the words:— "and the Suffolk county register of deeds'; and
(22B) Said section 11 of said chapter 48 is hereby further amended by inserting in the second paragraph, after the word "government', the following words:— "and the Suffolk county register of deeds'."
The amendment was adopted.
At twenty-five minutes before eleven o'clock P.M., the President declared a recess until the following day at ten o'clock A.M.; and, at four minutes past ten o'clock A.M. on Wednesday, June 3, the Senate reassembled, the President in the Chair.

Wednesday, June 3, 1998.

Communication.

A communication from Senator John D. O'Brien in compliance with Massachusetts General Laws Chapter 268A,— **was placed on file.**

General Appropriation Bill.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-nine 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 (House, No. 5501),— was further considered, the question being on passing it to be engrossed.
Mr. Joyce moved to amend the bill, in section 2, in item 4000-0600, by adding the following proviso:— "and provided further, that not less than $799,237 shall be expended for the purpose of increasing the per diem rate paid to service providers for Alzheimer specific adult day care services program".
The amendment was *rejected.*
Mr. O'Brien moved to amend the bill by inserting after section 209 the following section:—
"SECTION 209A. Notwithstanding the failure of the housing authority to seek competitive bids for certain energy conservation measures, the Andover Housing Authority is hereby authorized to pay to Bay State Gas Company the total sum of $79,300 for three contracts with RISE Engineering for equipment installation as part of an energy conservation program at the Andover housing property known as Chestnut court and Grandview terrace in Andover."
The amendment was *rejected.*
Mr. O'Brien moved to amend the bill by inserting after section 209 the following section:—
"SECTION 209A. Notwithstanding any general or special law to the contrary, upon approval by the department of education of the Greater Lawrence Regional Vocational Technical School district's proposed renovation and addition project, said project shall be placed in category 1' on said department's school building assistance priority list and the reimbursement percentage applicable to the approved project shall be 90 per cent."
The amendment was *rejected.*
Mr. O'Brien moved to amend the bill by inserting after section 209 the following section:—
"SECTION 209A. Notwithstanding the provisions of any general or special law to the contrary, Nextel Communications of the Mid-Atlantic, Inc., a corporation doing business in the commonwealth, is hereby directed to remove a cellular tower in the city of Lawrence. Said telecommunications tower is located on 672 South Union Street on land owned by P & L Realty Trust and leased

by the Nextel Corporation.".
The amendment was *rejected.*
Mr. O'Brien moved to amend the bill, in section 2, by inserting after item 8315-1003 the following item:—

"83xx-xxxx	For contribution toward the purchase of an emergency vehicle to promote the public safety of the commonwealth's residents on the Tewksbury State Hospital property using interstate highway routes 495 or 93, or requiring emergency services, which services are covered by mutual aid agreements involving the town of Tewksbury and neighboring cities and towns	200,000".

The amendment was *rejected.*
Mr. Montigny, Ms. Jacques and Ms. Fargo moved to amend the bill by inserting after section 87 the following two sections:—
"SECTION 87A. Chapter 269 of the General Laws is hereby amended by inserting after section 10E, as appearing in the 1996 Official Edition, the following section:—
Section 10F. (a) Whoever stores or keeps a firearm, rifle, shot gun, machine gun or assault weapon, in any place that a reasonable person would believe any person under 18 years of age may have access to, without committing an illegal entry onto the premises, shall store or keep such weapon in a securely locked container or, in the case that such weapon may be fitted with a trigger lock, equip such weapon with a trigger lock so as to effectively render the weapon incapable of operation. For purposes of this section, a weapon shall not be considered stored or kept when such weapon is carried on the person of anyone in lawful possession of such weapon or when such person exercises dominion and control over such weapon. Whoever violates the provisions of this subsection shall be punished by a fine of $1,000 or imprisonment in a house of correction for not more than two years or by both such fine and imprisonment.
(b) Whoever violates the provisions of this section and such violation proximately causes serious bodily injury to a person under 18 years of age or the death of a person under 18 years of age shall be punished by a fine of not more than $10,000 or imprisonment for not more than five years in state prison or by both such fine and imprisonment.
The provisions of this section shall not apply if a person under 18 years of age obtains a weapon by means of an illegal entry on the premises committed by him or another person.
SECTION 87B. Chapter 270 of the General Laws is hereby amended by inserting after section 7, as appearing in the 1996 Official Edition, the following section:—
Section 7A. The owner or person in charge of any retail or whole sale store or sales outlet licensed to sell weapons pursuant to the provisions of section 121 of chapter 140 shall conspicuously post at each purchase counter the following warning in block letters not less than one inch in height: IT IS UNLAWFUL TO STORE OR KEEP A FIREARM, RIFLE, SHOTGUN, MACHINE GUN OR ASSAULT WEAPON IN ANY PLACE ACCESSIBLE TO A PERSON UNDER 18 YEARS OF AGE UNLESS THAT WEAPON IS EQUIPPED WITH A TRIGGER LOCK OR IS STORED OR KEPT IN A SECURELY LOCKED CONTAINER.'
Whoever sells or transfers any firearm, rifle, shotgun, machine gun or assault weapon, pursuant to a license granted under the provisions of said section 121, shall deliver a written notice to the purchaser or transferee the following warning in block letters not less than one quarter inch in height: IT IS UNLAWFUL TO STORE OR KEEP A FIREARM, RIFLE, SHOTGUN, MACHINE GUN OR ASSAULT WEAPON IN ANY PLACE ACCESSIBLE TO A PERSON UNDER 18 YEARS OF AGE UNLESS THAT WEAPON IS EQUIPPED WITH A TRIGGER LOCK OR IS STORED OR KEPT IN A SECURELY LOCKED CONTAINER.'
Whoever violates the provisions of this section shall be punished by a fine of not more than $5,000 or by imprisonment in a house of correction for not more than one year or by both such fine and imprisonment."
After remarks, the amendment was adopted.
Mr. Travaglini moved to amend the bill by inserting after section 90 the following section:—
"Section 90A. Section 3 of chapter 784 of the acts of 1979, inserted by chapter 807 of the acts of 1981, is hereby amended by striking out the third sentence and inserting in place thereof the following five sentences:— Said corporation shall require each purchaser to sign an agreement whereby at the time when a unit is resold, to the extent that the adjusted resale price, as defined below, exceeds the price originally paid by the purchaser, the purchaser shall pay to the commonwealth an amount equal to the difference between (I) the fair market value of the housing unit at the time the purchaser originally purchased the unit as established by an independent appraiser, and (ii) the below market sales price paid by such purchaser. The adjusted resale price of the unit shall be the resale price, less actually incurred closing costs and brokerage fees, such fees not to exceed seven percent of the resale price. Notwithstanding any language to the contrary, upon the effective date of this act, all pending and future transactions shall apply the adjusted resale price in calculating the amount owed to the commonwealth upon resale of a unit. All such agreements shall expire upon the exhaustion of the established lottery list or in the year 2005, whichever occurs first."
The amendment was *rejected.*
Mr. Travaglini moved to amend the bill by adding the following section:—
"SECTION 213. Notwithstanding any general or special law to the contrary, the secretary of the executive office for administration and finance and the secretary of the executive office of environmental affairs, shall jointly study the need for any

increase in the handling fee paid to redemption centers, so-called, pursuant to paragraph (e) of section 323 of chapter 94 of the General Laws. Said study shall evaluate the financial implications of any increase in the handling fee and the benefit, if any, to the commonwealth, redemption centers, and consumers as a result of a change in said fee, and shall further analyze, by way of comparison, the handling fees of other states. Said study shall also consider whether distributors, so-called, should be required to pick up beverage containers from redemption centers, or otherwise pay for the charges associated with transportation of said beverage containers. The secretaries shall report by September 30, 1998 to the house and senate committees on ways and means with the results of their study and shall make recommendations for legislation".

The amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 215 the following two sections:—

"SECTION 215A. Notwithstanding the provisions of any other general or special law to the contrary, the sums of unclaimed wagers, the outs, so-called, as more fully defined in section 5A of chapter 128A of the General Laws and section 4 of chapter 128C of the General Laws, held currently by the Suffolk county licensed thoroughbred running horse meeting licensee under said chapter 128A, subject to the rules and regulations of the state racing commission, shall be deposited with the state racing commission who shall use such funds for the payment of purses at such Suffolk county thoroughbred racing meeting licensee.

SECTION 215B. The provisions of section 215A shall remain in effect through December 31, 1999."

The amendment was *rejected*.

Messrs. Travaglini and Lynch moved to amend the bill by inserting after section 98 the following section:—

"SECTION 98A. Section 9 of chapter 152 of the acts of 1997 is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:—

(e) There shall be an additional surcharge imposed upon each vehicular rental transaction contract in the city of Boston, equal to 7 per cent of the total value of each such contract but not more than $10 for each such contract; provided, however that $1 of said additional surcharge shall be paid to the city and deposited in the Room Occupancy Excise Fund".

The amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Chapter 217 of the General Laws, is hereby amended by inserting after section 28, as appearing in the 1996 Official Edition, the following section:—

Section 28A. The Suffolk county register of probate may appoint, and at his pleasure remove, an executive assistant. The salary of said executive assistant shall be in an amount equal to 75 per cent of the annual salary of said register."

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 208 the following section:—

"SECTION 208A. Any State employee, whose employment was terminated in 1989 to 1992, inclusive, due to a reduction in force because of budgetary constraints and subsequently was reinstated to their former agency on or before December 31, 1992 shall be credited with active service for such period of unemployment. Such credited service shall be included as part of his length of service, and shall apply to his retirement but shall not apply to such employee's seniority or promotional examinations; provided, however, that said employee shall be required to pay into the annuity savings fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions otherwise payable by him had he remained an active member in service during said period of unemployment at the rate of compensation he was receiving at the time of the aforesaid termination of employment together with the regular interest thereon to his date of reinstatement; and provided, further, that said employee shall be required to pay into the annuity savings fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions withdrawn by him, if any, with the regular interest to the date of his reinstatement.

Nothing contained in this section shall be construed to require, as a condition for such credit, the payment of any additional sums other than the sums required pursuant to chapter 324 of the acts of 1983 for any such employee".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 67 the following section:—

"SECTION 67A. Section 5 of chapter 201 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— The court may revoke the appointment of a guardian if the party or parties petitioning for revocation proves a substantial and material change of circumstances and if the revocation is in the child's best interest".

The amendment was *rejected*.

Messrs. Creedon and Travaglini moved to amend the bill by inserting after section 137 the following section:—

"SECTION 137A. Notwithstanding any general or special law to the contrary, the division of capital planning and operations shall designate the new courthouse located on New Chardon street, in the city of Boston as the Honorable Frank G. Poitrast Courthouse. Said division of capital planning and operations shall attach a suitable marker bearing said designation".

The amendment was *rejected*.

Mr. Creedon, Ms. Murray and Messrs. Rauschenbach and Lees moved to amend the bill by inserting after section 95 the following section:—

"SECTION 95A. Section 1 of chapter 108 of the acts of 1995 is hereby amended by striking out the words each fiscal year thereafter' and inserting in place thereof the following words:— until December 31, 1996.' "; and by inserting after section 223 the following section:—

"SECTION 223A. Section 95A shall take effect as of January 1, 1997".

The amendment was *rejected*.

Mr. Creedon, Ms. Murray and Messrs. Rauschenbach and Lees moved to amend the bill by inserting after seciton95 the

following section:—
"SECTION 95A. Section 251 of chapter 38 of the acts of 1995 is hereby amended by striking out the words each fiscal year thereafter' and inserting in place thereof the following words:— until November 27, 1996.' "; and by inserting after section 223 the fol lowing section:—
"SECTION 223A. Section 95A shall take effect as of January 1, 1997".
The amendment was *rejected*.
Mr. Creedon moved to amend the bill by inserting after section 96 the following section:—
"SECTION 96A. Item 7004-8975 of section 2E of chapter 88 of the acts of 1997 is hereby amended by adding the following words:— provided, however, that not less than $275,000 shall be expended for the demolition of abandoned buildings in the city of Brockton by said city'."
After remarks, the amendment was adopted.
Messrs. Shannon, Havern, Nuciforo, Tarr and Amorello moved to amend the bill by inserting after section 89 the following section:—
"SECTION 89A. Section 92 of chapter 71 of the acts of 1993, as appearing in chapter 220 of the acts of 1997, is hereby amended by inserting, after the words chapter 71 of the General Laws;' the following words:— provided, further, that, until June 30, 2003, section 41 of this act shall not apply to a school nurse employed by a state agency, including, but not limited to, the department of public health, or a municipality, not including school nurses employed by school districts, on or before June 30, 1998'."
After remarks, the amendment was adopted.
Ms. Pines moved to amend the bill by adding the following section:—
"SECTION . There is hereby established a special commission, to be known as the Women and Pensions Commission, for the purpose of identifying policies and potential legislation relative to improving the welfare of older women lacking pension benefits in retirement. The commission's duties shall include, but not be limited to, an investigation and study of the patterns of women in the workforce and the implications of those patterns on pension benefits.
The commission shall consist of 15 members one of whom shall be a member of the senate appointed by the senate president, one of whom shall be a member of the house of representatives appointed by the speaker, and of 12 whom shall be appointed by the governor. The fifteenth member shall be an employee of the northeast regional office of the United States Social Security Administration whose participation shall be requested by the governor. Members appointed by the governor shall include representatives with expertise in the areas of retirement benefits, including social security benefits and pensions, taxation, economics, including labor economics, actuarial studies. sociology, social welfare and gerontology, one of whom shall be a commissioner of the Public Employees Retirement Administration Commission, one of whom shall be a representative of the Gerontology Institute of the University of Massachusetts at Boston, one of whom shall be a tenured university professor of sociology, one of whom shall be a tenured university professor of economics, one of whom shall be an actuary recommended by the state board of retirement with at least ten years of experience writing tax law, one of whom shall represent the American Association of Retired Persons, and at least four of whom shall be selected from a list of names submitted by the Caucus of Massachusetts Women Legislators representing at least one expert in each of the following fields: retirement benefits, labor economics, child care and taxation. The commission may also establish subcommittees as may be necessary to enhance the study of women's pension benefits. Such subcommittees may include but not be limited to the areas of child care, elder care, pay equity, and gender bias in the workplace. Such subcommittees shall be chaired by commission members but may include persons with relevant experience who are not commission members."
The amendment was *rejected*.
Ms. Pines moved to amend the bill by inserting after section 67 the following section:—
"SECTION 67A. Section 3 of chapter 176G of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 10, the words for unrelated activities' and inserting in place thereof the following words:— for activities unrelated to the carrier's provision of health coverage and services to its members'."
The amendment was *rejected*.
Ms. Pines moved to amend the bill by inserting after section 20 the following section:—
"SECTION 20A. Section 16 of chapter 21A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—
The department may assess a civil administrative penalty on a person who fails to comply with any provision of any regulation, order, license or approval issued or adopted by the department, or of any law which the department has the authority or responsibility to enforce. Any such penalty shall be an alternative to any other civil penalty that may be prescribed by law."
The amendment was *rejected*.
Mr. Rauschenbach and Ms. Murray moved to amend the bill by inserting after section 104 the following section:—
"SECTION 104A. Notwithstanding the provisions of any general or special law to the contrary, the resources made available to the southeast coastal region prevention center by the department of public health shall be equitably allotted among Cape Cod and the Islands and the rest of the region."
The amendment was adopted.
Mr. Brewer moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. The commissioner of the division of capital planning and operations and the commissioner of the department of highways, notwithstanding the provisions of any general or special law, rule or regulation to the contrary, shall convey by deed a certain parcel of land located in the town of Spencer originally owned by Robert Antell, taken from him by eminent domain and comprising approximately 77 acres.

For and in consideration of said conveyance, Robert Antell shall pay to the commonwealth all amounts received by him as a result of the taking by eminent domain, plus interest in the amount of three percent per annum."
The amendment was *rejected*.
Messrs. Brewer and Tarr moved to amend the bill by inserting after section 91 the following two sections:—
"SECTION 91A. Said chapter 231 is hereby further amended by striking out section 63 and inserting in place thereof the following section:—
Section 63. The positions of director, deputy director, chief, and deputy chief shall be classified in accordance with section 45 of chapter 30 of the General Laws.
Notwithstanding the provisions of section 46C of said chapter 30, each officer holding the rank of deputy chief in the division of law enforcement shall receive a base salary of not less than nine per cent greater than the maximum salary payable to officers holding the rank of lieutenant in said division and each officer holding the rank of chief, deputy director and director in said division shall receive a base salary which is in accordance with a schedule submitted by the commissioner of administration and finance to the house and senate committees on ways and means. The commissioner of administration and finance in consultation with the commissioner of the department of fisheries, wildlife, and environmental law enforcement shall establish procedures for a review of said salary schedule and shall submit recommendations for adjustments in subsequent years to the house and senate committees on ways and means.
SECTION 91B. Section 56A of chapter 231 of the acts of 1985 is hereby amended by inserting after the third paragraph the following paragraph:—
Notwithstanding the provisions of section 46G of chapter 30 of the General Laws, deputy chiefs and chiefs of the division of law enforcement may be compensated for work outside of their regular tours of duty if authorized by the director with the approval of the commissioner to administer the provisions of a federally funded enforcement contract or to maintain a duty officer system whereby such officer when off duty, is authorized by the director, with the approval of the commissioner, to mobilize the division's resources in response to a public complaint where the public's health or safety is at risk."
The amendment was *rejected*.
Mr. Travaglini moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. Notwithstanding the provisions of any general or special law to the contrary, $100,000 shall be obligated and expended through the division of capital planning and operations for the installation of an elevator at the New England Shelter for Homeless Veterans in the city of Boston."
The amendment was *rejected*.
Ms. Murray moved to amend the bill by inserting after section 202 the following section:—
"SECTION 202A. The executive office of transportation and construction is hereby directed to conduct a daily study of traffic speed on the portion of Route 3 south of the city of Boston. Specifically, said study shall be conducted daily, at four hourly intervals, beginning at 6:30 a.m. and continuing to 9:30 a.m. for the northbound lanes and measuring the amount of time required to travel from the interchange with Route 53, at exit 13, in the town of Hanover, to the exit for Kneeland street in the city of Boston. Said study shall also be conducted daily, at four hour intervals, beginning at 3:30 p.m. and continuing until 6:30 p.m. Said executive office shall quarterly file a report with the joint committee on transportation in the legislature on the results of said study, including any recommendation for increasing the speed traveled on said Route 3 during the hours being studied."
The amendment was adopted.
Ms. Murray moved to amend the bill by inserting after section 164 the following section:—
"SECTION 164A. The executive director of the Massachusetts Bay Transportation Authority is hereby authorized and directed to develop and issue requests for proposals for the naming or renaming of any current or future MBTA station; provided however, that each such proposal shall require the current name to be retained as part of the new name; provided further, that a copy of such proposals shall be forwarded to the joint committee on transportation and the house and senate committees on ways and means; and provided further, that any money derived from the successful award of any contract pursuant to such requests for proposals shall be utilized to proportionately reduce, in fiscal year 2000 and any fiscal year thereafter, the local assessments on the fringe communities', so-called, including the following towns: Ashland, Cohasset, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland, and Wenham."
The amendment was *rejected*.
Mr. Nuciforo moved to amend the bill by inserting after section 52 the following three sections:—
"SECTION 52A. Subsection (a) of section 5 of chapter 90 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:—
The registrar may further issue general registrations and general registration number plates in such form as he determines to the commonwealth or any political subdivision thereof for governmental use or motor vehicles or trailers owned or controlled by the commonwealth or such political subdivision thereof and may make rules and regulations related thereto.
SECTION 52B. Said Section 5 of said chapter 90, as so appearing, is hereby further amended by inserting after the word dealer', in line 49, the following words:— or the commonwealth or any political subdivision thereof.
SECTION 52C. Section 33 of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:—
For the registration of every motor vehicle or trailer and each number plate issued to the commonwealth or any political subdivision thereof pursuant to the second paragraph of subsection (a) of section 5, no fee shall be collected hereunder."
The amendment was *rejected*.
Ms. Wilkerson moved to amend the bill by inserting after section 169 the following section:—
"SECTION 169A. Notwithstanding any general or special law or any personnel policy to the contrary, any personnel assigned to

or appearing on the payroll records of the Roxbury district court shall not be reassigned or transferred to another court unless replacement personnel is assigned or transferred to said district court; provided, that, any personnel so reassigned or transferred from said Roxbury district court shall cease to appear on and be compensated from the payroll of said district court and instead shall appear on and be compensated from the court to which said personnel has been reassigned or transferred to; provided, further that, the chief justice for administration and management of the trial court is hereby authorized and directed, in the event there are personnel presently appearing on the payroll records of said Roxbury district court yet assigned to another court, to assign, reassign or otherwise transfer replacement personnel to said district court; provided further, that neither the removal nor replacement of personnel, pursuant to this section, shall cause a decrease or increase in the amount appropriated in line item 0332-6600 of section 2; provided further, that nothing herein shall be deemed to prohibit the chief justice for administration and management of the trial court from assigning or reassigning personnel, based on need, pursuant to section 9 of chapter 211B of the General Laws."

After remarks, the amendment was adopted.

Ms. Wilkerson moved to amend the bill by inserting after section 87 the following section:—

"SECTION 87A. Chapter 270 of the General Laws is hereby amended by adding the following section:—

Section 23. It shall be unlawful for any person or entity to sell or distribute any tobacco product through a vending machine within the commonwealth. For purposes of this section, vending machine' shall mean any machine or device used for the distribution of tobacco products upon the insertion of coins, trade checks, slips or any other form of payment. Any person or entity who sells or distributes any tobacco product through a vending machine within the commonwealth shall:

(1) In the case of a first violation of this section, receive a fine of $100;

(2) In the case of a second violation of this section, receive a fine of $200; and

(3) In the case of subsequent violations, receive a fine of $300.

Each day on which a violation exists shall be deemed to be a separate offense for the purposes of this section. The commonwealth or its agents, including, but not limited to, the attorney general, the department of public health, the state police, any municipal government or its agent, any local board of health or its agent, or any local police may enforce the provisions of this section.

Nothing in this section shall be construed to preempt any existing law or regulation which requires a permit or license for the sale of tobacco products, or which regulates the sale, use or distribution of tobacco products. Nothing in this section shall prohibit any city, town or board of health from enacting or enforcing any law, ordinance, by-law or regulation which requires a permit or license for the sale of tobacco products, or which regulates the sale, use or distribution of tobacco products. Without limiting the generality of the foregoing, nothing in this section shall prohibit any city, town, or board of health from enacting or enforcing any law, ordinance, by-law, or regulation, which imposes a monetary penalty, permits suspension, or permits revocation for a violation of the local law. In cases where the ordinance, by-law, or regulation is more stringent than the provisions of this section, the more stringent ordinance, by-law, or regulation shall control to the extent of any inconsistency between such ordinance, by-law, or regulation and this section."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 50C (inserted by amendment) of the following section:—

"SECTION 50D. Section 3 of chapter 71B of the General Laws, as so appearing, is hereby amended by inserting after the word courts', in line 46, the following words:— ; provided, however, that school districts shall not be required to refer a child for an evaluation solely because such child failed the statewide assessment tests authorized pursuant to section 1I of chapter 69'."

After remarks, Mr. Norton in the Chair, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before eleven o'clock A.M., on motion of Mr. Antonioni, as follows, to wit (yeas 38 — nays 0).

YEAS.

Amorello, Matthew J.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Durand, Robert A.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Pines, Lois G.
Jacques, Cheryl A.	Rauschenbach, Henri S.

Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Keating, William R.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne

— 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E.

—1.

The yeas and nays having been completed at eighteen minutes before eleven o'clock A.M., the amendment was adopted.
The President in the Chair, Mr. Rosenberg moved to amend the bill by inserting, after section 80, the following section:—
"SECTION 80A. Said chapter 217 is hereby further amended by adding the following section:—
Section 29G. The first justice of the Bristol probate and family court may, with the approval of the chief justice of the probate court, designate three employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure. Said deputy assistant registers shall receive, in addition to their salaries as employees, a salary of $6,000 per annum."
The amendment was adopted.
Mr. Antonioni, Ms. Walsh, and Mr. Keating moved to amend the bill by inserting the following new section:—
"SECTION . There shall be created in the office of the chief administrative justice of the trial court an emergency task force on indigency verification. Said task force shall consist of the chief justice or his designee, the chief of the district court department or his designee, the chief counsel of the committee for public counsel services, the commissioner of probation and the president of the District Attorney's Association. The chief justice of the trial court shall be the chairperson of said task force. Within 60 days of the effective date of this act said task force shall file with the house and senate committees on ways and means a report recommending procedures establishing an indigency verification program for persons entitled to representation under supreme judicial court rule 3:10."
The amendment was *rejected*.
Mr. Antonioni and Ms. Walsh moved to amend the bill by inserting after section 87 the following section:—
"SECTION 87A. Chapter 277 of the General Laws is hereby amended by striking out section 70C, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:—
Section 70. Upon oral motion by the commonwealth at arraignment or pretrial conference, the court may in its discretion treat any violation of a municipal ordinance, by-law, or any misdemeanor offenses as a civil infraction. This provision shall not apply to the offenses pursuant to the following statutes: sections 22F, 23, 24, 24D, 24G, 24L, and 24N of chapter 90; sections 8, 8A, and 8B of chapter 90B; chapter 119, chapter 119A; chapter 209; chapter 209A; the provisions of chapter 265; sections 1, 2, 3, 6, 6A, 6B, 8B, 13, 13A, 13B, 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 23, 28, 31, and 36 of chapter 268; the provisions of chapter 268A; sections 10, 10A, 10C, 10D, 10E, 11A, 11B, 11C, 11E, 12, 12A, 12B, 12D, and 12E of chapter 269; sections 1, 2, 3, 4, 4A, 4B, 6, 7, 8, 12, 13, 16, 28, 29A, and 29B of chapter 272. A person complained of for such civil infraction shall be adjudicated responsible upon such finding by the court, and shall neither be sentenced to any term of incarceration nor be entitled to appointed counsel pursuant to chapter 211. When the court has treated a violation of a municipal ordinance, by-law, or qualifying a misdemeanor as a civil infraction, and the ordinance, by-law or misdemeanor in question does not set forth a civil fine as a possible penalty, the court may impose a fine of not more than $5,000. An adjudication of responsibility shall neither be used in the calculation of second and subsequent offenses under any chapter, nor as the basis for the revocation of parole or a probation surrender."
The amendment was *rejected*.
Mr. Antonioni, Ms. Walsh, Messrs. Keating and Joyce moved to amend the bill by inserting after section 78 the following

section:—
"SECTION 78A. Section 13 of chapter 211D of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting, after the sixth sentence the following sentence:— The chief counsel, deputy chief counsels, and all legal and non-legal staff of the committee, including staff attorneys hired under paragraphs (a) and (b) of section 6, but not including persons described in the fourth sentence of said paragraph (b) of said section 6, shall be considered public employees for purposes of chapter 258.' "; and by adding the following section:—
"SECTION 245. Section 78A of this act shall apply to all claims under chapter 258 of the General Laws upon which a final judgement has not entered, or as to which an appeal is pending or the appeal period has not expired, and to all claims upon which suit is filed on or after the effective date of this act".
After debate, the amendment was adopted.
Mr. O'Brien moved to amend the bill by inserting after section 13 the following section:—
"SECTION 13A. Section 59 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words nonresidential rehabilitation'."
The amendment was adopted.
Mr. Tolman moved to amend the bill by inserting after section 23 the following two sections:—
"SECTION 23A. Section 24B of chapter 23B of the General Laws, is hereby amended in the first paragraph by inserting after the word government', in line 5, the following words:— or homeowners who are eligible for the state one and two household fuel assistance program, so-called';
SECTION 23B. Said section 24B of said chapter 23B, as so appearing, is hereby further amended by striking out clause (a) and inserting in place thereof the following clause:—
(a) The department shall use the same grantee agencies, similar applications and similar verification procedures as are used in the low-income home energy assistance program, to the maximum extent possible. The department may also utilize a reasonable percentage of any funds appropriated, not exceeding 10 per cent of such funds, for administration costs of the program."
The amendment was *rejected*.
Mr. Antonioni moved to amend the bill by inserting after section 50 the following section:—
"SECTION 50A. The second paragraph of section 5 of chapter 71B of the General Laws, as most recently amended by chapter 43 of the acts of 1997, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:— Notwithstanding the provisions of section 27C of chapter 29 or any other general or special law to the contrary, if a child with a disability for whom a school committee currently provides or arranges for the provision of special education in an approved private day or residential school placement, including placement in a pediatric nursing home, pursuant to the provisions of section three, or his parent or guardian, moves to a different school district on or after July 1, of any fiscal year, said school committee of the former community of residence shall pay the approved budgeted costs, including necessary transportation costs, of such day or residential placement, including placement in a pediatric nursing home, of such child for the balance of such fiscal year; provided, that if such move occurs between April 1 and June 30 such school committee of the former community of residence shall pay such costs for the balance of the fiscal year in which the move occurred as well as for the subsequent fiscal year.' "; and by adding the following section:
"SECTION 241. Section 50A of this act shall take effect on July 1, 1997".
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven o'clock A.M., on motion of Mr. Antonioni, as follows, to wit (yeas 38 — nays 0):

YEAS.

Amorello, Matthew J.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Durand, Robert A.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Pines, Lois G.
Jacques, Cheryl A.	Rauschenbach, Henri S.
Jajuga, James P.	Rosenberg, Stanley C.

Joyce, Brian A.	Shannon, Charles E.
Keating, William R.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne

— 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Berry, Frederick E.

—1.

The yeas and nays having been completed at six minutes past eleven o'clock A.M., the amendment was adopted.
Mr. Antonioni moved to amend the bill by inserting after section 50A (inserted by amendment) the following:—
"SECTION 50B. Section 1 of chapter 71B of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word code;', in line 26, the following words:— ; and provided further, that no child shall be determined to be a student with special needs solely because such student shall have failed the statewide assessment tests authorized pursuant to section 1I of chapter 69'."
After remarks, the amendment was adopted.
Mr. Bernstein moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. The department of youth services or the department of social services, or any contractor under the department of youth services or department of social services shall, prior to the establishment of any residential facility, notify the municipality where such a facility would be located, of the intention to establish such a facility within such municipality. Within two weeks of said notification, the department of youth services, or the department of social services shall conduct a public hearing regarding such siting".
The amendment was *rejected*.
Mr. Bernstein moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, and in order to promote the public good, the state board of retirement shall pay a superannuation retirement to Maud M. Arnold effective July 1, 1997".
The amendment was *rejected*.
Messrs. Bernstein, Panagiotakos, Brewer, Amorello and O'Brien moved to amend the bill by inserting after section 14 the following section:—
"SECTION 14A. Paragraph (a) of section 54 of chapter 15 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— For the purpose of this section, the department of education may consider the Home Instruction Program for Pre-School Youngster, (HIPPY) so-called, as a pre-kindergarten/early childhood program.' "
The amendment was *rejected*.
Mr. Bernstein moved to amend the bill by inserting after section 206B (inserted by amendment) the following section:—
"SECTION 206C. Effective October 1, 1998, the Massachusetts turnpike authority shall suspend all tolls on Interstate highway 90 beginning at noon of the day preceding until noon of the day following January 1, July 4, the fourth Thursday in November and December 25. Said authority shall also suspend such tolls on interstate highway 90 at the following times: from noon of the Friday preceding the last Monday in May and the first Monday in September until noon of the subsequent Saturday; from noon of the last Monday in May and the first Monday in September until 6:00 a.m. of the subsequent Tuesday; and from noon of the Sunday subsequent to the fourth Thursday in November until 6:00 a.m. of the subsequent Monday. Said authority shall develop public safety plan to implement the suspension of tolls in a manner that maximizes public safety and convenience and includes public notice of toll suspension one month prior to the above designated holidays. Said plan shall be filed with the house and senate clerks' offices and with the colonel of the State Police on September 1, 1998".
After remarks, the amendment was adopted.
Mr. Bernstein moved to amend the bill by inserting after section 20 the following section:—

"SECTION 20A. Section 29 of chapter 22C of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking, in lines 27 to 31, inclusive, the words and except as the colonel shall determine that an emergency exists or is threatened, such officers, in the performance of their duties, shall be subject to the operational control of the authority, and the chairman of the authority, but shall at all times be under the administrative and disciplinary control of the colonel.'; and inserting in place thereof the following words:— , such officers, in the performance of their duties, shall remain in the operational, administrative and disciplinary control of the colonel. The colonel may solicit input and information from the authority and the chairman of the authority regarding public safety issues relative to the turnpike. The turnpike shall comply with such request for information expeditiously'."

After remarks, the amendment was *rejected*.

Mr. Bernstein moved to amend the bill by inserting after section 87 the following section:—

"SECTION 87A. Chapter 265 of the General Laws is hereby amended by inserting after section 44, as appearing in the 1996 Official Edition, the following section:—

Section 45. Whoever threatens to commit a crime against any member of the judiciary or an immediate family member of a member of the judiciary, or against the property of either, including threats communicated verbally, by mail, telephonically or by use of a telecommunications device including, but not limited to, electronic mail, internet communications and facsimile communication, shall be punished by imprisonment for not more than two and one-half years in a house of correction or by a fine of not more than $1,000 or by both such fine and imprisonment."

The amendment was *rejected.*

Mr. Bernstein moved to amend the bill by inserting after section 48 the following section:—

"Section 48A. Section 1H of chapter 69 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:—

The board of education shall grant certification to teachers of adult education that possess such qualifications as prescribed by said board. The board shall define standards and competencies commensurate with attainment and renewal of such certificates not later than September 1, 1999. The commissioner of education shall have authority to grant, upon application, adult education certificates which shall be valid for five years to teachers of adult education who possess qualifications prescribed by the board of education. Each education certificate shall be renewable every five years thereafter upon successful completion of an individual professional development plan that meets standards established by said board of education. Said board shall establish policies and guidelines for approval for fulfilling the professional development requirement. Nothing herein shall be construed to require certification of teachers of adult education. A certificate issued by the commissioner may be revoked for cause, pursuant to standards and procedures established by the board. Said board shall have the authority to promulgate, amend and rescind such rules or regulations as may be necessary to carry out the provisions of this section."; by inserting after section 50B (inserted by amendment):—

"SECTION 50C. Section 38G of chapter 71 of the General Laws, as so appearing, hereby amended by adding the following paragraph:—

The requirements of this section shall not apply to the certification of teachers of adult education. Nothing in this section or section 1H of Chapter 69 shall be deemed to prohibit a school committee from employing a teacher certified under said section 38G to teach adult education."

The amendment was adopted.

Mr. Jajuga moved to amend the bill by inserting after section 90 the following two sections:—

"SECTION 90A. Section 63 of chapter 231 of the acts of 1985 is hereby amended by striking out section 63 and insetting in place thereof the following section:—

Section 63. The positions of director, deputy director, chief and deputy chief shall be classified in accordance with section 45 of chapter 30 of the General Laws.

Notwithstanding the provisions of section 46C of chapter 30, each officer holding the rank of deputy chief in the division of law enforcement shall receive a base salary of no less than nine per cent greater than the maximum salary payable to officers holding the rank of lieutenant in said division and each officer holding the rank of chief, deputy director and director in said division shall receive a base salary which is in accordance with the schedule submitted by the commissioner of administration and finance to the house and senate committees on ways and means. The commissioner of administration and finance in consultation with the commissioner of the department of fisheries, wildlife and environmental law enforcement, shall establish procedures for a review of said salary schedule and shall submit recommendations for adjustments in subsequent years to the house and senate committees on ways and means.

SECTION 90B. Section 56A of said chapter 231 is hereby amended by inserting after the third paragraph the following paragraph:—

Notwithstanding the provisions of section 46G of chapter 30 of the General Laws, deputy chiefs and chiefs of the division of law enforcement may be compensated for work outside of their regular tours of duty, if authorized by the director with the approval of the commissioner, to administer the provisions of a federally funded enforcement contract or to maintain a duty officer system whereby such officer, when off duty, is authorized by the director, with the approval of the commissioner, to mobilize the division's resources in response to a public complaint where the public's health is at risk."

The amendment was *rejected.*

Mr. Jajuga moved to amend the bill, in section 2, in item 8100-0000, by striking out the figure "132,931,096" and inserting in place thereof the following figure:— "132,985,482"; and by inserting after section 20, the following two sections:—

"SECTION 20A. Section 1 of chapter 22C of the General Laws, as so appearing, is hereby amended by inserting after the words

detective lieutenant', in line 7, the following words:— senior lieutenant.'
SECTION 20B. Said chapter 22C is hereby amended by inserting, after section 3 the following section:—
Section 3A. The colonel shall establish stations, sections and units in accordance with the provisions of section 3. The head of each such station, section or unit shall be designated by the colonel and shall hold the temporary rank of senior lieutenant; provided, however, that such rank shall be held only as long as such position is held. Such senior lieutenant shall be a person employed by the department in the rank of lieutenant and shall be compensated at the same rate as the rank of detective lieutenant. The colonel may, from time to time, assign to each such station, section or unit such uniformed members and other employees of the department as he deems necessary to carry out the department's duties."
The amendment was *rejected.*
Messrs. Jajuga, Lynch and Joyce moved to amend the bill by inserting after section 89A (inserted by amendment) the following section:—
"SECTION 89B. Section 1078 of the acts of 1973, as most recently amended by chapter 333 of the acts of 1988, is hereby further amended by striking out section 8A."
The amendment was adopted.
Messrs. Jajuga, Lynch and Joyce moved to amend the bill by inserting after section 30 the following section:—
"Section 30A. Section 28K of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—
Notwithstanding the provisions of this section, an employee of the commonwealth or its political subdivisions who is a full-time representative of an employee organization, which has included in its membership employees of the commonwealth or its political subdivisions may, while on leave of absence for the purpose of acting as a full-time representative of said employee organization, be entitled to payment of salary for the period of assignment as a full-time representative of such employee organization, if the collective bargaining agreement entered into between the commonwealth or its political subdivisions and the employee organization provides for such payment. For the purpose of this paragraph, political subdivision shall not include a city or town."
The amendment was *rejected.*
Messrs. Jajuga and Tarr moved to amend the bill by inserting after section 209 the following section:—
"SECTION 209A. Notwithstanding the provisions of any general or special law to the contrary, in order to implement its school building and renovation program, the Triton regional school district, in addition to the pre-qualification requirements pursuant to section 44D of chapter 149 of the General Laws shall establish and impose a requirement that only contractors and subcontractors with a workers' compensation experience modification factor, as promulgated by the workers' compensation rating bureau, of 125 per cent or less shall be eligible to submit a bid or offer; provided, however, that any contractor or subcontractor with a modification factor of up to 135 per cent shall be eligible to submit a bid or offer, if such modification factor was caused by a single loss. The school building and renovation program of the Triton regional school district shall not be subject to the provisions of section 44F of chapter 149 of the General Laws. For the purposes of this act, the words school building and renovation program' shall mean the design, construction, renovation and equipping of schools within the Triton regional school district to accommodate students in grades 7 through 12, inclusive, and the renovation or demolition of any structures at any of the existing sites at such schools."
The amendment was *rejected.*
Messrs. Jajuga and Tarr moved to amend the bill by inserting after section 209 the following section:—
"SECTION 209A. Notwithstanding the provisions of any general or special law to the contrary, the Triton regional school district may employ alternative methods of procurement of design and construction services, including design build, for the design and construction of the sewer treatment facility located at the Triton regional high school."
The amendment was *rejected.*
Messrs. Jajuga and Magnani moved to amend the bill by inserting after section 209B (inserted by amendment) the following section:—
"SECTION 209C. Notwithstanding any general or special law to the contrary, the division of health care policy and finance is hereby authorized and directed for all rate years commencing on or after January 1, 1996 to amend the rate of any facility that has made payments as part of its employee benefits program to an employee stock option plan, as defined by section 4975(e)(7) of the Internal Revenue Code of 1986, to include all such payments to an employee stock option plan made in rate years commencing on or after January 1, 1996 where such facility has not make payments to an employee stock option plan in the base year for such rate year."
The amendment was adopted.
Messrs. Jajuga and O'Brien moved to amend the bill by inserting after section 89 the following section:—
"SECTION 89A. Section 2 of chapter 750 of the acts of 1968 is hereby amended by striking out the last paragraph, inserted by section 2 of chapter 320 of the acts of 1970, and inserting in place thereof the following paragraph:—
The director of public works of the city of Lawrence shall be a member ex-officio of the district commission and shall have full voting powers; the remaining members of the commission appointed by the city of Lawrence shall be appointed by the mayor with the approval of the city council; members appointed by the town of Andover shall be appointed by the town manager with the approval of the board of selectmen; members from the city known as the town, of Methuen shall be appointed by the mayor with the approval of the town council; and members from the town of North Andover shall be appointed by the board of selectmen."
The amendment was *rejected.*

Mr. Jajuga moved to amend the bill by inserting after section 209A (inserted by amendment) the following section:—
"SECTION 209B. Notwithstanding any general or special law to the contrary, there is hereby established a special commission to study methods of identifying potentially dangerous students and protecting the students, faculty and administration of the commonwealth from acts of extreme violence. Said study shall include, but not be limited to, the detecting of early warning signs, effective methods of intervention once a student is identified, the use of security guards or metal detectors in schools, appropriate levels of punishment for carrying guns in schools, and appropriate peer and guidance counseling. Said commission shall consist of 12 members as follows: the two chairmen of the joint committee on public safety; the two chair men of the joint committee on education; the commissioner of the board of education or his designee; one superintendent who shall be appointed by the Massachusetts Association of Superintendents; one principal who shall be appointed by Massachusetts Association of Secondary School Principals; one teacher who shall be appointed by the Massachusetts Teacher's Association; the secretary of the executive office of public safety or his designee; one chief of police who shall be appointed by the Massachusetts Police Chiefs Association; one ranking officer who is a member of the Massachusetts Safety Officers League and who shall be appointed by said league; and one patrolman who is a member of the Massachusetts Safety Officers League who shall be appointed by said league. Said commission shall research and develop appropriate guidelines and criteria for a report and recommendations no later than September 1, 1998. Said commission shall conduct five regional hearings across the common wealth to assist in the development of guidelines and shall establish criteria for recommendations no later than November 1, 1998. Said commission shall report the results of its study, together with recommendations and draft legislation necessary to carry out such recommendations, by filing the same with the clerks of the house of representatives and the senate on or before November 30, 1998."
The amendment was adopted.
Mr. Jajuga moved to amend the bill by inserting after section 14 the following section:—
"SECTION 14A. Section 35G of said chapter 10 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—
All revenues created under this section shall remain in said Motorcycle Safety Fund, subject to appropriation, to administer a motorcycle safety program that shall include, but not be limited to, funding motorcycle safety foundation approved rider education courses and instruction training, as well as public awareness efforts. The state treasurer shall not deposit said revenues in or transfer said revenues to the general fund or any other fund other than the Motorcycle Safety Fund. The motorcycle safety program shall be administered by the executive director of the governor's highway safety bureau under the direction of the secretary of the executive office of public safety. Said bureau shall maintain a policy manual for the program that shall provide minimum requirements for instructors and businesses that offer approved rider education courses in the commonwealth."
The amendment was *rejected.*
Mr. Jajuga moved to amend the bill by inserting after section 52 the following section:—
"SECTION 52A. Section 8B of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 27, the words fifteen of chapter 22' and inserting in place thereof the following words:— 35G of chapter 10."
The amendment was *rejected.*
Mr. Jajuga moved to amend the bill by inserting after section 67 the following section:—
"SECTION 67A. Section 113B of chapter 175 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 111 and 112, the words fifteen of chapter twenty-two' and inserting in place thereof the following words:— 35G of chapter 10."
The amendment was *rejected.*
Mr. Berry moved to amend the bill by inserting after section 32 the following section:—
"SECTION 32A. Chapter 60 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after section 3C the following section:—
Section 3D. Partial payments of bills for taxes, excises or municipal charges and fees, including partial payments under sections 22 and 62, shall be applied first to any interest due, and secondly to collection charges that have been added to such bills, unless the amount of such interest and charges taken together may be waived and the collector or other officer responsible for collecting such bills determines that the partial payment should first be applied to the underlying obligation."
The amendment was *rejected.*
Messrs. Berry and Joyce moved to amend the bill by inserting after section 19 the following section:—
"SECTION 19B. The fourth paragraph of section 13 of chapter 19B of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following two sentences:— Any contract between the department and a not for profit human service provider shall contain a provision that the employees of such provider shall not be paid less than the minimum wage established under the provisions of chapter 151. If, during the term of such contract the minimum wage is increased, the department shall adjust the funding for such contract in an amount sufficient to pay such wage increase.' "; and by inserting after section 211 the following section:—
"SECTION 211A. The provisions of section 19B shall apply to all contracts entered into on or after January 1, 1996."
The amendment was *rejected.*
Mr. Berry moved to amend the bill by inserting after section 91 the following section:—
"SECTION 91A. Section 130A of chapter 412 of the acts of 1991 is hereby amended by adding the following paragraph:—
Those members of the uniformed branch of the Massachusetts State Police who were mandatorily retired at age 50, prior to the effective date of this act, and in accordance with the prevailing legislation relating to the retirement of members of the Massachusetts State Police at the time of said retirement, but who were between the ages of 50 and 51 on July 1, 1992, shall be

deemed to have continued employment at the rank held on the date of their mandatory retirement and shall be entitled to an adjustment in the retirement allowance payable to them which allowance shall be calculated in accordance with the provisions of this act as if they had been mandatorily retired at age 55 under the provisions of this act."

The amendment was *rejected.*

Ms. Melconian and Mr. Lees moved to amend the bill by inserting the following two sections:—

"SECTION 67A. Section 3 of chapter 176J of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word adjustment,' in line 101, the following words:— multiplied by the bona fide association discount.'

SECTION 67B. Subsection (a) of said section 3 of said chapter 176J, as so appearing, is hereby amended by inserting after paragraph (8) the following paragraph:—

(9) A carrier may establish a discount for eligible small businesses that are members of a bona fide association, as hereinafter defined, in connection with the carrier's health benefit plans issued between November 1, 1996 and October 31, 1997, and for renewal of the same between November 1, 1997 and October 31, 1999; provided, however, that a carrier may not increase premiums for eligible small businesses receiving such discount by more than three per cent in any one year when renewing such plans through October 31, 1999; and provided further, that such discount may not be based upon health status, claims experience, sex or gender. For purposes of this section, a bona fide association is one that:

(I) is in existence and has been active for at least five years;

(ii) has been formed and maintained in good faith for purposes other than obtaining insurance;

(iii) does not condition membership on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee;

(iv) makes health insurance coverage offered through the association available to all members, regardless of any health status-related factor relating to such members, or to individuals eligible for coverage through a member; and

(v) does not make health insurance coverage offered through the association available other than in connection with a member of the association."

The amendment was *rejected.*

Mr. Havern moved to amend the bill by inserting after section 91 the following two sections:—

"SECTION 91A. Paragraph (a) of section 12 of chapter 372 of the acts of 1984 is hereby amended by striking out the fifth sentence, as appearing in section 39 of chapter 88 of the acts of 1997, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act shall not exceed $4,370,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

SECTION 91B. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as appearing in section 40 of said chapter 88, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act shall not exceed the sum of $370,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds".

The amendment was *rejected*.

Messrs. Havern and Travaglini moved to amend the bill by inserting after section 30 the following two sections:—

"SECTION 30A. Subdivision (2) of section 6 of chapter 32 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(e) Any member of Group 1, Group 2 or Group 4 who is a veteran as defined in section 1, shall receive as additional yearly retirement allowance of $15 for each year of creditable service or fraction thereof; provided, however, that the total amount of such additional retirement allowance shall not exceed $300 in any case.

SECTION 30B. Subdivision (2) of section 7 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:—

(f) Any member of Group 1, Group 2 or Group 4 who is a veteran as defined in section 1, shall receive an additional yearly retirement allowance of $15 for each year of creditable service or fraction thereof; provided, however, that the total amount of such additional retirement allowance shall not exceed $300 in any case".

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 206 the following section:—

"SECTION 206A. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the Massachusetts Water Resources Authority retirement systems board may grant creditable service to a present employee who is a member of said retirement system who served as an employee of the United States House of Representatives and who has completed ten or more years of membership service; provided, however, such creditable service shall be determined by said board; and provided further that such creditable service shall not be credited until such member has paid into the Massachusetts Water Resources Authority retirement system, in one sum or in installments, upon such terms and conditions as said retirement system board may prescribe make-up payments equal to the payments made by the member while in the employment of the United States House of Representatives, plus the interest accrued on such payments".

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 206 the following section:—

"SECTION 206A. Notwithstanding the provision of section 39M of chapter 30 of the General Laws or any other general or special law to the contrary, the Massachusetts Water Resources Authority shall institute an emergency procurement, utilizing such method of procurement as it shall determine to be reasonable and prudent in the circumstances, of a qualified contractor to

suitably engineer and install under said authority's direction and supervision, a replacement of the authority's section 47 sewer, so-called, with a new gravity sewer and to clean and repair the authority's existing section 86 sewer, so-called, along with that portion of section 47 that will remain active to carry flows, all to be completed not later than September 30, 1999. Such contractor shall demonstrate by means satisfactory to the authority and prior to the authority's award of the contract its capability to perform design-build services as required by this section and shall certify with respect to its construction activities that it pays prevailing wages that would be applicable as if the contract were to be awarded under said section 39M of said chapter 30. Said authority shall report to the clerk of the house and the senate and the chairpersons of the joint committee on natural resources prior to September 30, 1998 on any geotechnical or engineering circumstances that would render this legislative direction impossible or impracticable of accomplishment".

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 89 the following section:— "SECTION 89A. The fifth paragraph of subsection (3) of section 4A of chapter 1078 of the acts of 1973, as appearing in section 1 of chapter 589 of the acts of 1987, is hereby amended by striking out the fourth sentence".

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr, Hedlund, Amorello and Montigny moved to amend the bill by inserting after section 66 the following section:—

"SECTION 66A. Clause (4) of section 1 of chapter 152 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:—

The provisions of this chapter shall remain elective as to corporate officers regardless of their duties".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at half past eleven o'clock A.M., on motion of Mr. Lees, as follows, to wit (yeas 17 — nays 21):

YEAS.

Amorello, Matthew J.	Murray, Therese
Brewer, Stephen M.	Panagiotakos, Steven C.
Durand, Robert A.	Pines, Lois G.
Hedlund, Robert L.	Rauschenbach, Henri S.
Jajuga, James P.	Shannon, Charles E.
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Montigny, Mark C.	Tolman, Warren E.
Morrissey, Michael W.	

— 17.

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Bernstein, Robert A.	Moore, Richard T.
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Brien, John D.
Havern, Robert A.	Pacheco, Marc R.
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Travaglini, Robert E.
Keating, William R.	Walsh, Marian
Lynch, Stephen F.	Wilkerson, Dianne
Magnani, David P.	

ABSENT OR NOT VOTING.

Berry, Frederick E.

—1.

The yeas and nays having been completed at five minutes before twelve o'clock noon, the amendment was *rejected*.
Mr. Lees moved that this vote be reconsidered. After debate on the motion to reconsider, there being no objection, on motion of Mr. Lees, the motion to reconsider was withdrawn.
Messrs. Lees and Travaglini moved to amend the bill by inserting after section 98A (inserted by amendment) the following section:—
"SECTION 98B. Section 334 of chapter 164 of the acts of 1997, is hereby amended by striking out the words June 15, 1998', inserted by section 20 of chapter 99 of the acts of 1998, and inserting in place thereof the following words:— December 31, 1998'."
The amendment was adopted.
Messrs. Lees, Tisei, Rauschenbach, Knapik, Tarr and Amorello moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of education shall require each school district to spend 90 per cent of the fiscal year 1999 state school aid increase on foundation allotment categories that directly support classroom activities. Such allotment categories shall include, but not be limited to, the following: (1) books and equipment; (2) expanded programs; (3) assistants; (4) extracurricular activities; (5) special education tuition; (6) support staff; (7) teaching staff; and (8) professional development. Districts may also count as much as 82 per cent of spending from the benefit category as direct support to classroom activities. Districts shall be exempt from the requirements of this section if fewer than 20 per cent of the students in such district scored below the state average on the assessment tests required by chapter 69 of the General Laws."
After remarks, the amendment was *rejected*.
Mr. Lees and Ms. Fargo and Mr. Montigny moved to amend the bill by inserting after section 87B (inserted by amendment) at the end thereof the following section:—
"SECTION 87C. Chapter 266 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after section 120E the following section:—
Section 120E½. (a) For the purpose of this section, reproductive health care facility' shall mean a place, other than a hospital, where abortions are offered or performed.
(b)(1) Except for those listed in paragraph (2), no person shall, during business hours of a reproductive health care facility, knowingly enter or remain in the following area of private property of a reproductive health care facility or public right-of-way:
(A) within 25 feet of any portion of an entrance to, exit from or driveway of a reproductive health care facility; and
(B) within the rectangle created by extending the outside boundaries of any entrance to, exit from or driveway of a reproductive health care facility in straight lines to the point where such lines intersect the sideline of the street in front of such entrance, exit or driveway.
(2) The provisions of paragraph (1) shall not apply to the following:
(A) persons entering or leaving such facility;
(B) employees or agents of such facility acting within the scope of their employment;
law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment; and
(D) persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility.
Whoever knowingly violates the provisions of this section shall be punished, for the first offense, by a fine of not more than $1,000 or not more than six months in a jail or house of correction or both and, for each subsequent offense by a fine of not less than $500 and not more than $5,000 or not more than two and one-half years in a jail or house of correction or both.
(d) Any reproductive health care facility or person whose rights to provide or obtain reproductive health care services have been interfered with by a violation of this section may commence a civil action for damages or injunctive and other equitable relief, including the award of compensatory and exemplary damages. Such civil action shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which any person or entity complained of resides or has a principal place of business. An aggrieved person or entity which prevails in an action authorized by this paragraph, in addition to other damages, shall be entitled to an award of the costs of the litigation and reasonable attorney's fees in an amount to be fixed by the court.
(e) A criminal conviction pursuant to the provisions of this section shall not be a condition precedent to maintaining a civil action pursuant to the provisions of this section."
The amendment was adopted.
Messrs. Lees, Tisei, Knapik, Rauschenbach, Amorello and Tarr moved to amend the bill after section 62 by inserting the

following four sections:—
"SECTION 62A. Section 49 of chapter 127 of the General Laws, as so appearing, is hereby amended by inserting after the word facility', in line 21, the following words:— ; provided further, that no person serving a sentence for murder in the second degree shall be eligible for education, training or employment programs established outside a correctional facility before the expiration of 22 years of such sentence.
SECTION 62B. Section 90A of said chapter 127, as so appearing, is hereby amended by striking out, in lines 18 to 20, inclusive, the words and, provided further, that no committed offender who has been convicted of murder in the first degree shall be eligible for temporary release under the provisions of this section' and inserting in place thereof the following words:— provided further, that no committed offender who has been convicted of murder in the first degree shall be eligible for temporary release under the provisions of this section; and provided further, that no committed offender who has been convicted of murder in the second degree shall be eligible for temporary release under the provisions of this section before the expiration of 22 years of such sentence.'
SECTION 62C. Section 133A of said chapter 127, as so appearing, is hereby amended by striking out, in line 6, the word fifteen' and inserting in place thereof the following figure:— 25'.
SECTION 62D. Chapter 211D of the General Laws, as so appearing, is hereby amended by adding the following section:—
Section 16. (a) The commonwealth shall provide legal services to indigents charged with offenses for which capital punishment is sought and indigents who have been sentenced to death and who seek appellate or collateral review.
(b) The committee for public counsel services shall be the appointing authority and shall appoint staff attorneys, members of the private bar or both.
The appointing authority shall:
(1) solicit applications from all attorneys qualified to be appointed in the proceedings specified in subsection (a);
(2) draft and at such times as it may deem necessary, but at least annually, publish rosters of all applicants determined to be qualified attorneys;
(3) draft and at such times as it may deem necessary, but at least annually, establish standards governing the qualifications and performance of such qualified attorneys which shall include, but not be limited to:
(I) membership in the bar of the commonwealth or admission to practice pro hac vice;
(ii) knowledge and understanding of pertinent legal authorities regarding the issues in capital cases in general and any case to which an attorney may be appointed in particular;
(iii) skills in the management and conduct of negotiations and litigation in homicide cases;
(iv) skills in the investigation of homicide cases, the background of clients and the psychiatric history and current condition of clients;
(v) skills in trial advocacy;
(vi) skills in legal research and in the writing of legal petitions, briefs and memoranda; and
(vii) skills in the analysis of legal issues bearing on capital cases;
(4) draft and at such times as it may deem necessary, but at least annually, publish procedures by which such qualified attorneys shall be appointed;
(5) periodically review the rosters. monitor the performance of all such qualified attorneys so appointed and delete the name of any attorney who:
(I) fails satisfactorily to complete regular training programs on the representation of defendants in capital cases;
(ii) fails to meet performance standards in a case to which the attorney has been appointed; or
(iii) fails otherwise to demonstrate continuing competency to represent defendants in capital cases;
(6) conduct or sponsor specialized training programs for attorneys representing defendants in capital cases;
(7) appoint a lead counsel and co-counsel to represent a defendant in a capital case at each relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant state court; and
(8) report such appointment or the defendant's failure to accept counsel, in writing, to the court requesting such appointment.
(d) Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting such appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine such individual's competency to decline the appointment and whether such individual has knowingly and intelligently declined it.
(e)(1) The appointing authority shall maintain two rosters of attorneys; one of which shall list attorneys qualified to be appointed for the trial and sentencing stages of capital cases and one of which shall list attorneys qualified to be appointed for the appellate or collateral review stages. Each roster shall be divided into two parts, one listing attorneys qualified to be appointed as lead counsel and the other listing attorneys qualified to be appointed as co-counsel.
(2) An attorney qualified to be appointed lead counsel at the trial or sentencing stages shall:
(I) be a trial practitioner with at least five years of experience in the representation of criminal defendants or the commonwealth in felony cases;
(ii) have served as lead counsel or co-counsel at the trial or sentencing stage in at least two homicide cases tried by a jury;
(iii) have completed such training or refresher courses in current developments in the representation of capital defendants at the trial or sentencing stages as the appointing authority shall require or be familiar with the law and practice in capital cases and with the trial and sentencing procedures in the commonwealth; and
(iv) have demonstrated the proficiency and commitment necessary to provide legal services in capital cases.

(3) An attorney qualified to be appointed co-counsel at the trial or sentencing stages shall:
(I) be a trial practitioner with at least three years of experience in the representation of criminal defendants or the commonwealth in felony cases; and
(ii) meet the standards set forth in clauses (iii) and (iv) of paragraph (2) for lead counsel at the trial or sentencing stages.
(4) An attorney qualified to be appointed lead counsel at the appellate or collateral review stages shall:
(I) be an appellate practitioner with at least five years of experience in the representation of criminal defendants or the commonwealth in felony cases at the appellate or collateral review stages;
(ii) have served as lead counsel or co-counsel at the appellate or collateral review stages in at least three cases in which the client had been convicted of a felony offense;
(iii) have completed such training or refresher courses in current developments in the representation of capital clients at the appellate and collateral review stages as the state appointing authority shall require or be familiar with the law and practice in capital cases and with the appellate and collateral review procedures in the courts of the commonwealth and in federal court; and
(iv) have demonstrated the proficiency and commitment necessary to provide legal services in capital cases.
(5) An attorney qualified to be appointed co-counsel at the appellate, collateral or unitary review stage shall:
(I) be an appellate practitioner with at least three years of experience in the representation of criminal defendants or the commonwealth in felony cases at the appellate or collateral review stages; and
(ii) meet the standards set forth in clauses (iii) and (iv) of paragraph (4) for lead counsel at the appellate or collateral review stages.
(f)(1) Attorneys appointed from the private bar shall be:
(I) compensated for actual time and service, computed on an hourly basis and at a reasonable rate in consideration of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;
(ii) reimbursed for expenses reasonably incurred in the representation of the defendant including the costs of law clerks and paralegals reasonably necessary in the representation of such defendant; and
(iii) reimbursed for the costs of investigators and experts whose services have been approved in advance by the court and are reasonably necessary in the representation of the defendant.
(2)(I) Payments under clause (ii) of paragraph (1) shall be computed on an hourly basis reflecting the local market for law clerk and paralegal services; and
(ii) Payments under clause (iii) of paragraph (1) shall be commensurate with the schedule of fees paid by state authorities for investigative and expert services.
(g) Appointed attorneys from the private bar shall receive prompt payment for legal services and reimbursement for expenses and support services upon the submission of periodic bills, receipts or other appropriate documentation to the appointing authority or other appropriate state agency. The appointing authority shall promptly resolve any disputes with respect to such bills."; by inserting after section 8C (inserted by amendment) the following eleven sections:—
"SECTION 87D. Chapter 234 of the General Laws, as so appearing, is hereby amended by inserting after section 28 the following section:—
Section 28A. In a capital case, counsel shall have the right to question prospective jurors. Such examination shall be conducted individually and outside the presence of other prospective jurors.
When, upon inquiry, it appears that a prospective juror's views or attitude concerning the death penalty would affect the juror's ability to consider any mitigating or aggravating circumstances, the court shall direct that the prospective juror be excused for cause.
SECTION 87E. Chapter 258C of the General Laws, as so appearing, is hereby amended by inserting after section 3 the following four sections:—
Section 3A. Upon a judgment of conviction of murder in the first degree and the affirmance thereof by the supreme judicial court, a prisoner shall be required to submit, under the pains and penalties of perjury, a financial statement as devised by regulations promulgated by the commissioner of correction, subject to the approval of the attorney general. The financial statement form shall require the listing of all property, income sources and amounts, investments, contract rights, securities and all other assets of such prisoner.
The regulations promulgated hereunder shall provide for the assessment of a fixed sum to be paid out of the prisoner's assets to the victim compensation fund, established by the state treasurer pursuant to this chapter.
Upon conviction of murder in the first degree, every prisoner under sentence of life imprisonment without the possibility of parole shall be required to submit a financial statement on or before July 1 of each year to the department of correction, listing the prisoner's assets at the time of the signing of the statement and an assessment of a fixed sum, as may be appropriate under the regulations, shall be determined annually by the commissioner of correction on or before October 1 and paid over to the victim compensation fund.
Section 3B. Subject to the approval of the attorney general, the commissioner of correction shall promulgate regulations whereby any prisoner under sentence of life imprisonment without the possibility of parole, upon his conviction of murder in the first degree, shall have his prison wages garnished according to a formula established in such regulations and deposited in the victim compensation fund. Said fund shall be maintained by the state treasurer and shall be utilized for the purposes set forth in section 3, including the support of charitable and other non-profit providers of therapeutic and other services to the families and dependents of murder victims.
Section 3C. All families of victims of the crime of murder in the first degree shall, upon the conviction and imposition of

sentence upon the defendant, be notified by the office of the prosecuting district attorney of their right to make application to receive compensation from the victim compensation fund.
Section 3D. Applications for financial assistance from families and dependents of murder victims shall receive priority over all other applications for financial assistance under this chapter.
SECTION 87F. Chapter 265 of the General Laws, as so appearing, is hereby further amended by inserting after section 2, as so amended, the following two sections:—
Section 2A. In cases of murder in the first degree, in which the penalty of death is authorized under section 2, and in which the commonwealth seeks to impose the penalty of death, the indictments shall specify the aggravating circumstances set forth in section 69 of chapter 279 which are alleged to be present by specifying with particularity which aggravating circumstance or circumstances set forth in said section 69 are being alleged. Only so much of an indictment as alleges the offense of murder in the first degree, and not the aggravating circumstances, shall be presented to the jury during their deliberation as to the guilt or innocence of the defendant. That portion of the indictment which sets forth the aggravating circumstances shall be presented to the jury only during the presentencing proceedings in accordance with section 68 of said chapter 279.
Section 2B. In cases in which the commonwealth seeks to impose the death penalty, the commonwealth shall disclose to the defendant, promptly after indictment, all exculpatory information known to it or its agents and all exculpatory evidence in the possession of it or its agents that is material either to guilt or to punishment. When the commonwealth learns of exculpatory information or obtains such evidence after indictment, it shall promptly disclose it to the defense. The death penalty shall not be imposed if the commonwealth fails to timely disclose any exculpatory information or evidence to the defense.
SECTION 87G. Section 47 of chapter 277 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, inclusive, the words If a prisoner, under indictment for a capital crime, pleads guilty, upon being arraigned, the court shall award sentence against him', and inserting in place thereof the following words:— If a prisoner, under indictment for first degree murder, in which indictment the commonwealth has alleged that such murder involved an aggravating circumstance or circumstances set forth in section 69 of chapter 279, pleads guilty upon being arraigned, a presentencing hearing pursuant to section 68 of said chapter 279 shall be conducted; if a prisoner, under indictment for any other capital crime, pleads guilty upon being arraigned, the court shall award sentence against him;'.
SECTION 87H. Chapter 277 of the General Laws, as so appearing, is hereby amended by adding the following section:—
Section 80. In all cases in which the commonwealth seeks an indictment for an offense punishable by death, the commonwealth shall instruct the grand jurors on the legal definitions of murder in the first degree, murder in the second degree and manslaughter. The grand jurors shall be entitled to receive such further instructions as they may request from the commonwealth. A stenographic record shall be made of all instructions and shall be included in the minutes of the grand jury and be made available to the defendant. The court shall retain as part of the record copies grand jury of any questionnaires completed by grand jurors.
SECTION 87I. Chapter 279 of the General Laws is hereby amended by striking out section 60, as so appearing, and inserting in place thereof the following section:—
Section 60. The punishment of death shall be inflicted by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until such prisoner is dead.
SECTION 87J. Section 65 of said chapter 279, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— There may be present at the execution of the sentence of death, in addition to the superintendent, deputy and such officers of the state prison as the superintendent deems necessary, the commissioner of correction or his representative, the person performing the execution under the direction of the superintendent, if any, the prisoner's attorney, and the following physicians: the prison physician, the state surgeon and a medical examiner for Norfolk county or, if any or all are unable to be present, such physicians as the superintendent approves.'
SECTION 87K. Said section 65 of said chapter 279, as so appearing, is hereby further amended by adding the following two sentences:— In the period preceding and during the execution, the prisoner's attorney shall have access to a judicial officer having jurisdiction to consider and grant a stay of execution or other relief on the prisoner's petition. Such petition may be permitted to be transmitted telephonically.'
SECTION 87L. Said chapter 279 is hereby further amended by striking out sections 68 to 70, inclusive, as so appearing, and inserting in place thereof the following three sections:—
Section 68. In cases in which a sentence of death may be imposed and which are tried before a jury, the court shall submit to the jury special questions concerning the issue of murder in the first degree. If the jury determines beyond a reasonable doubt that the defendant is guilty of murder in the first degree, the jury shall specify whether the defendant is guilty of murder with deliberate premeditation, or murder with extreme atrocity or cruelty or both. In cases in which a sentence of death may be imposed and which are tried without a jury and the court finds beyond a reasonable doubt that the defendant is guilty of murder in the first degree, the court shall specify whether the defendant is guilty of murder with deliberate premeditation, or murder with extreme atrocity or cruelty or both. The death penalty shall not be applicable to a defendant convicted under a felony murder theory.
No mentally retarded person shall be subject to the death penalty. For purposes of this section, a person is mentally retarded who has significantly sub-average general intellectual functioning resulting in or associated with impairments in adaptive behavior which manifested during the developmental period. During the presentence hearing, upon motion of the defendant. the commonwealth and the defendant shall present evidence to determine whether the defendant is mentally retarded. The defendant shall be examined by one or more qualified psychiatrists or psychologists designated by the court, who are experts in the diagnosis and evaluation of mental retardation. At the conclusion of the examination period, the examining psychiatrists or psychologists shall forthwith give to the court written signed reports of their findings relative to the question of whether or not

the defendant is mentally retarded, and said psychiatrists or psychologists shall be available to testify during the presentence hearing. The defense must establish mental retardation by a preponderance of the evidence. Unless the jury unanimously finds that the defendant is not mentally retarded the court shall impose a sentence of life imprisonment without the possibility of parole in accordance with section 2 of chapter 265.

Upon a verdict, finding or plea of guilty of murder in the first degree with deliberate premeditation or murder in the first degree with extreme atrocity or cruelty, or both, cases in which the commonwealth has alleged in its indictment or indictments that such murder involved an aggravating circumstance or circumstances set forth in section 69, a presentence hearing shall be conducted before the jury before which the case was tried; provided, however, that if in the opinion of the judge presiding at the presentence hearing, it is impossible or impracticable for the trial jury to sit at the presentence hearing, a new jury shall be impaneled to sit at the presentence hearing or if the matter of guilt was determined by the court after trial without a jury or by a plea of guilty rather than by a jury, a jury shall be impaneled to sit at the presentencing hearing. The selection of such jury shall be according to the laws and rules governing the selection of a jury for the trial of a capital case. A presentence hearing need not be conducted if the commonwealth determines either that it cannot prove beyond a reasonable doubt the existence of one or more of the aggravating circumstances set forth in said section 69 or that the penalty of death should not be imposed; in either case the court shall impose the sentence of imprisonment for life without the possibility of parole as provided in section 2 of chapter 265.

During the presentence hearing, the only issues shall be the determination of the punishment to be imposed and of retardation, if relevant. During such hearing the jury shall hear all additional evidence in mitigation of punishment, including evidence concerning any statutory mitigating circumstances set forth in subsection (b) of said section 69, and evidence concerning any other aspect of the defendant's character or record or any of the circumstances of the offense that the defendant or the commonwealth may proffer to the jurors for their consideration as a basis for a sentence less than death, regardless of its admissibility under the rules governing the admission of evidence at criminal trials.

During such hearing, the jury shall also hear such evidence in aggravation of punishment as is relevant to any statutory aggravating circumstance set forth in subsection (a) of said section 69, and which is alleged in the indictment; provided, however, that only such evidence in aggravation of punishment as the commonwealth has made known to the defendant prior to his trial shall be admissible; and provided further, that such evidence is otherwise admissible according to the rules governing the admission of evidence at criminal trials. The jury shall also hear arguments by the defendant or his counsel or both and by the commonwealth regarding the punishment to be imposed. The commonwealth and the defendant or his counsel shall be allowed to make opening statements and closing arguments at the presentence hearing. The order of such statements and arguments and the order of presentation of evidence shall be the same as at trial; provided, however, that the commonwealth shall make closing arguments first and the defendant or his counsel shall make closing arguments last.

Upon the conclusion of evidence and arguments at the pre-sentence hearing, the court shall instruct the jury orally as to, and shall provide to the jury, in writing, copies of, the statutory aggravating circumstance or circumstances which are set forth in the indictment and which it determines to be warranted by the evidence. The court shall instruct the jury that it may choose to find that the penalty of death shall be imposed upon the defendant or it may choose not to find that the penalty of death be imposed on the defendant, but that it may not find that the penalty of death shall be imposed unless it shall first make a unanimous termination of the existence of one or more of the aggravating circumstances set forth in said section 69 and in the indictment, beyond a reasonable doubt. The jury shall further be instructed that if it finds the existence of such aggravating circumstance or circumstances beyond a reasonable doubt, it must then consider all of the evidence presented to it relevant to any of the mitigating circumstances set forth in subsection (b) of said section 69, or to any other mitigating circumstances and determine whether, in view of all the relevant circumstances of the offense and of the defendant, the sentence shall be life imprisonment without the possibility of parole or death The jury shall further be instructed that the penalty of death may not be imposed unless it unanimously finds, after a review of all of the evidence of mitigation proffered as a basis for a sentence less than death, that the penalty of death should be imposed. If the jury is unable to reach a unanimous verdict, the court shall impose the sentence of imprisonment for life without the possibility of parole as provided in section 2 of chapter 265.

If the jury's unanimous verdict is to impose the penalty of death, such jury shall designate, in writing and signed by the foreperson of the jury, the statutory aggravating circumstance or circumstances which it unanimously found existed beyond a reasonable doubt and that the jury, after consideration of all of the evidence of mitigation relevant to the circumstances of the defendant and the offense proffered as a basis for a sentence less than death, unanimously found that the death penalty should be imposed.

After the jury has made its findings, the court shall set a sentence in accordance with section 70.

A declaration of a mistrial during the course of the presentence hearing or any error in the presentence hearing determined on final appeal or otherwise shall not affect the validity of the conviction.

Section 69. (a) In all cases in which the death penalty may be authorized, the statutory aggravating circumstances shall be:

(1) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his official duties as one or more of the following: police officer, special police officer, parole officer, probation officer, state or federal law enforcement officer, court officer, firefighter, officer or employee of the department of correction, officer or employee of a sheriffs department, officer or employee of a jail or officer or employee of a house of correction;

(2) the murder was committed by a defendant who was at the time incarcerated in a jail or a correctional or penal institution or the treatment center for the sexually dangerous or a facility used for the housing or treatment or housing and treatment of prisoners or while on furlough or work release from such jail, correctional or penal institution or facility or during an escape therefrom;

(3) the murder was knowingly committed on a victim because of his position as, or while engaged in the performance of his

official duties as a judge, prosecuting attorney, clerk magistrate, juror or witness;
(4) the murder was committed by a defendant who had previously been convicted of murder in the first or second degree or of an offense in any other federal, state or territorial jurisdiction of the United States which is the same as or necessarily includes the elements of the offense of murder in the first or second degree;
(5) the murder was committed by a defendant who had previously been convicted of two or more federal or state offenses for which a sentence of life in prison or death was authorized by law;
(6) the murder was committed by the defendant pursuant to a contract, agreement or understanding by which such defendant was to receive money or other thing of value in return for committing the murder;
(7) the murder was committed by the defendant for the purpose of avoiding, interfering with or preventing a lawful arrest of the defendant or another or for the purpose of effectuating an escape or attempting to effectuate an escape of the defendant or another from custody in a place of lawful confinement; (8) the murder involved torture of the victim or the intentional infliction of extreme pain prior to death demonstrating a total disregard for the suffering of the victim;
(9) the murder was committed as part of a course of conduct involving the killing of or causing serious bodily injury to or the attempted killing of or the attempted causing of serious bodily injury to more than one person by the defendant;
(10) the murder was committed by means of a destructive device, bomb or explosive planted, hidden, mailed, delivered or concealed in any place, area, dwelling, building or structure by the defendant or by means such that the defendant knew or reasonably should have known that his acts would create a grave risk of death or serious bodily injury to more than one person such as with a sawed-off shotgun, machine gun or other automatic weapon;
(11) the murder was committed by the defendant and occurred during the commission or attempted commission or flight after the commission or attempted commission of aggravated rape, rape, rape of a child, indecent assault and battery on a child under 14, assault with intent to rape, assault on a child under 16 years of age with intent to rape, kidnapping for ransom, kidnapping, armed robbery, unarmed robbery, breaking and entering with intent to commit a felony, armed assault in a dwelling, arson, confining or putting in fear or otherwise harming another for the purpose of stealing from depositories;
(12) the murder occurred during the commission of, or in furtherance of, a violation of the drug trafficking laws as set forth in section 32E of chapter 94C, or during the commission, of or in furtherance of, an attempt or conspiracy to violate said drug trafficking laws:
(13) the murder was in violation of a valid protective order issued pursuant to chapter 209A and in effect at the time of the murder or was a murder in violation of a similar valid order issued in accordance with the laws of another jurisdiction;
(14) the murder was in furtherance of and the culmination of a pattern of physical abuse of the victim by the defendant or a pattern of stalking the victim, as defined by section 43 of chapter 265, by the defendant;
(15) the murder was knowingly committed in the physical presence of family or household member of the victim as defined by section 1 of chapter 209A.
(b) In all cases in which the death penalty may be authorized, the mitigating circumstances shall be any factors proffered by the defendant or the commonwealth which are relevant in determining whether to impose a sentence less than death, including, but not limited to, any aspect of the defendant's character, propensities, or record and any of the circumstances of the murder including, but not limited to, the following:
(1) the defendant has no significant history of prior criminal convictions;
(2) the victim was a co-conspirator or willing participant in the defendant's homicidal conduct or in the criminal conduct which resulted in the murder;
(3) the murder was committed while the defendant was under extreme duress or under the domination or control of another which was insufficient to establish a defense to the murder but which substantially affected his judgment;
(4) the offense was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was impaired as a result of: (a) a mental disease or defect; (b) organic brain damage; (c) emotional illness brought on by stress or prescribed medication; or (d) intoxication or legal or illegal drug use by the defendant which was insufficient to establish a defense to the murder but which substantially affected his judgment;
(5) the defendant was over the age of 75 at the time of the murder or any other relevant consideration regarding the age of the defendant at the time of the murder;
(6) the defendant was battered or otherwise physically or sexually abused by the victim in connection with or prior to the murder for which the defendant was convicted and such abuse was a contributing factor in the murder;
(7) the defendant was experiencing posttraumatic stress syndrome caused by military service during a declared or undeclared war.
Section 70. In cases in which a person is convicted by a court or jury or pleads guilty to a crime which is punishable by death, a sentence of death shall not be imposed unless findings are made in accordance with section 68. If such findings are made and the jury finds that the death penalty shall be imposed, the court shall sentence the defendant to death unless the court determines that a sentence of death should not be imposed under section 71. If such findings are not made or not unanimously made or where a sentence of death is not a unanimous finding by the jury, the court shall sentence the defendant to life imprisonment without the possibility of parole, as provided in section 2 of chapter 265.
SECTION 87M. Said chapter 279 is hereby further amended by striking out section 71, as appearing in section 122 of chapter 19 of the acts of 1997, and inserting in place thereof the following two sections:—
Section 71. (a) The supreme judicial court shall establish, by rule, such reports or checklists to be utilized by the trial court, the prosecuting attorney and the defense counsel prior to, during, and after the trial of cases in which the death penalty is sought, as it deems necessary to ensure that all possible matters which could be raised in defense have been considered by the defendant and

defense counsel and either asserted in a timely and correct manner or waived in accordance with applicable legal requirements so that, for purposes of any pretrial review and the trial and post-trial review, the record and transcript of proceedings shall be as complete as possible for a review by the sentencing court and the supreme judicial court of challenges to the trial, conviction, sentence and detention of the defendant.

(b) If, based on the trial court's review of the record, the court determines that despite the findings by the jury, the death penalty should not be imposed, the judge may set aside the sentence of death and impose a sentence of life imprisonment without parole. In such case, the judge shall set forth in writing the findings and reasons which support such determination. The commonwealth shall have a right to appeal to the supreme judicial court any such determination and the supreme judicial court may set aside such determination if it is unsupported by the record of the case and may thereafter reimpose the penalty of death.

(c) Nothing in this section shall limit or restrict review, rights or remedies available through the procedures under Rule 30 of the Massachusetts Rules of Criminal Procedure.

Section 72. In addition to a review of the entire case pursuant to section 33E of chapter 278, the supreme judicial court shall review the sentence of death imposed pursuant to sections 68, 69 and 70. If the supreme judicial court determines that (1) the sentence of death was imposed under the influence of passion, prejudice or any other arbitrary factor; or (2) the evidence does not support the jury's findings of a statutory aggravating circumstance or statutory aggravating circumstances as defined in section 69; or (3) the evidence does not support the jury's finding that the statutory aggravating circumstance or statutory aggravating circumstances defined in said section 69 outweigh the statutory or other mitigating circumstance or statutory or other mitigating circumstances; or (4) the sentence of death was imposed in a racially discriminatory manner; or (5) the sentence of death is excessive or disproportionate to the penalty imposed in other similar cases of one or more jurisdictions legally authorized to impose said penalty of death, with the greater weight of such comparison to be given to similar Massachusetts cases in which the death penalty will have been imposed, with due consideration of both those cases in which a sentence of life imprisonment was imposed and those cases in which a sentence of death was imposed, or in the event that the court determines any or all of the five factors as enumerated in this section exist, the court shall (1) reverse the sentence of death and remand for a new presentence hearing pursuant to section 68, or (2) reverse the sentence of death and remand to the superior court department of the trial court for sentence of imprisonment in the state prison for life without the possibility of parole. The court shall also have the authority to affirm the sentence of death.

SECTION 87N. Said chapter 279, as so appearing, is hereby further amended by adding the following section:—

Section 73. No employee of the commonwealth and no employee providing services under contract to the department of correction or any other department or agency of the commonwealth shall be required, as a condition of employment or contractual obligation, to attend or to participate in any execution if such attendance or participation is contrary to any moral or religious convictions of such employee."; and by inserting after section 209C (inserted by amendment) the following sections:

"SECTION 209D. The district attorneys and the jury commissioners of the several districts, the attorney general, the chief counsel of the committee for public counsel services, the chief justice for administration and management of the trial court and the chief justice of the supreme judicial court shall annually prepare reports setting out the costs incurred by each such agency or department for the investigation, prosecution, defense, trial and appeal of all cases in which the commonwealth has sought the death penalty at any stage of the proceedings. For the purposes of this section, the district attorneys shall include in their reports all police and other investigative costs whether expended from municipal, state or other law enforcement funds.

Said agencies and departments shall attempt to distinguish which of such costs were incurred due to the capital punishment provisions effectuated by this section and which of such costs would have been incurred regardless of such provisions in the course of investigating, prosecuting, defending, trying or appealing cases involving first degree murder. When such agencies or departments are unable to document specific dollar expenditures for such cases, the agency or department shall make reasonable estimates as it finds feasible and shall set forth in its report any formula utilized to make such estimates.

The annual reports from each such agency or department shall be submitted on or before November 1 and shall set out the costs incurred for death penalty prosecutions during the prior fiscal year. Such reports shall be submitted to the clerks of the house and senate and to the house and senate committees on ways and means.

All such reports shall be public records as defined in clause 26 of chapter 7 of the General Laws after their submission to the general court and shall be governed by the provisions of chapter 66 of the General Laws.

SECTION 209E. The committee for public counsel services shall promulgate the two rosters of attorneys qualified to be appointed for the trial and sentencing stages of capital cases pursuant to paragraph (1) of subsection (e) of section 16 of chapter 211D of the General Laws on the effective date of this act.

SECTION 209F. Where any prisoner who has been sentenced to death or life imprisonment without the possibility of parole for first degree murder is transferred from one facility to another or receives a commutation, the commissioner of the department of corrections shall give notice to any person certified pursuant to the provisions of paragraph (t) of section 3 of chapter 258B and clause (c) of section 172 of chapter 6 of the General Laws within one week prior to said transfer; provided however, that if in the opinion of the commissioner, such notice cannot be given without endangering the safety of the public, correctional staff or prisoners, or said notice would cause significant difficulty in the effective management of the department of corrections, notice shall be given within one week after said transfer. Immediate notice shall be made to any such certified person upon escape or death of such prisoner".

After remarks, Mr. Durand in the Chair, the question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 22 — nays 15):

YEAS.

Amorello, Matthew J.	Lees, Brian P.
Bernstein, Robert A.	Lynch, Stephen F.
Brewer, Stephen M.	Melconian, Linda J.
Clancy, Edward J., Jr.	Moore, Richard T.
Havern, Robert A.	Morrissey, Michael W.
Hedlund, Robert L.	Murray, Therese
Jacques, Cheryl A.	Norton, Thomas C.
Jajuga, James P.	Pacheco, Marc R.
Knapik, Michael R.	Panagiotakos, Steven C.
Rauschenbach, Henri S.	Tarr, Bruce E.
Shannon, Charles E.	Tisei, Richard R.

—22.

NAYS.

Antonioni, Robert A.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Brien, John D.
Durand, Robert A.	Pines, Lois G.
Fargo, Susan C.	Rosenberg, Stanley C.
Joyce, Brian A.	Tolman, Warren E.
Keating, William R.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne
Montigny, Mark C.	

—15.

Paired.

YEA.	NAY.
Frederick E. Berry,	Robert E. Travaglini (present)

— 2.

The yeas and nays having been completed at ten minutes past twelve o'clock noon, the amendment was adopted.
The President in the Chair, Messrs. Lees, Tisei, Rauschenbach, Knapik, Tarr, Hedlund and Amorello moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Chapter 55 of the General Laws is hereby amended by striking out section 22A and inserting in place thereof the following two sections:—
Section 22A. (a) No person may use federal, state, municipal or other public resources for the purpose of aiding, promoting, preventing, antagonizing or otherwise seeking to influence or affect the nomination or election of any person to public office or the interest of any political committee or political party.
(b) No person may use federal, state, municipal or other public resources for the purpose of aiding, promoting, preventing, antagonizing or otherwise seeking to influence or affect the vote on any question submitted to the voters unless such person has been expressly authorized by section 22 or any other general or special law so to act.
Unless such expenditure is authorized by section 22B or any other general or special law, the treasurer or chief fiscal officer of the commonwealth or any subdivision thereof, which has paid, expended or contributed, or promised to give, pay, expend or contribute any money or any valuable thing or whose resources have been used for the purpose of aiding, promoting, preventing, antagonizing or otherwise seeking to influence or affect the vote on any question submitted to the voters or for the purpose of

aiding, promoting, preventing, antagonizing or otherwise seeking to influence or affect the nomination or election of any person to public office or the interest of any political committee or political party shall file a report setting forth the amount or value of every gift, payment, expenditure, contribution, use of such resources or promise to give, expend, contribute or use such resources, together with the date, purpose and full name and address of the person to whom it was made.
(d) If the question is submitted at a city or town election, the report shall be filed with the city or town clerk. If the question is submitted to voters of a regional school district, the report shall be filed with the clerk of each city or town in the school district. If the question is submitted to voters of a district as provided in sections 113 to 119, inclusive, of chapter 41, the report shall be filed with the clerk of the district. All other reports shall be filed with the director.
(e) Each such report shall be filed within ten days after such gift, payment, expenditure, contribution, use of such resources or promise to give, expend, contribute or use such resource is made or such treasurer or chief fiscal officer is aware of such gift, payment, expenditure, contribution or use of such resource. In addition, each such report shall reference the express statutory authorization, if any, for such gift, payment, expenditure, contribution, promise or use of such resource thereof and shall be signed under the pains and penalties of perjury.
(f) The supreme judicial court or superior court may compel any treasurer or chief financial officer failing to file the report required by this section or filing report not conforming to the requirements of this section in respect to its truth, sufficiency in detail, or otherwise, to file a sufficient report, upon the application of the attorney general after referral by the director pursuant to section 3 or upon application by the district attorney or by any ten registered voters of a city, town or district if the question is submitted to the voters of such city, town or district or by any 24 registered voters of the commonwealth if such question is submitted to the voters of the commonwealth. In addition, the supreme judicial court or superior court may order restitution of any monies or the fair market value of any resources paid, expended, contributed, or used, by any person not authorized by section 22B or other general or special law, for the purposes set forth in subsections (a) and (b).
(g) For the purposes of this section and section 22B, the word commonwealth' shall include any city, town, county, regional district or other subdivision of the commonwealth and any state, county, regional or other district or municipal agency, board, commission, authority or other governmental unit.
(h) Any person who knowingly violates any provision of this section or authorizes such violation and any person who knowingly aids or abets the violation of any provision of this section, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than one year or both.
Section 22B. (a) As used in this section, governing body' shall mean, in a city, the city council or board of aldermen acting with the approval of the mayor subject to the provisions of the charter of said city; in a town having a town council, the town council; in every other town, the board of selectmen; and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential committee, if any, otherwise the commissioners of the district.
(b) The governing body of any city, town or district in the commonwealth adopting the provisions of this section shall print information relating to each question submitted to the voters of such city, town or district, other than a question on the ballot pursuant to section 18A of chapter 53. The information shall include: (1) the full text of each such question, (2) a fair and concise summary of each such question, including a one-sentence statement describing the effect of a yes or no vote, prepared by the city solicitor, town counsel or other counsel of said city, town or district, and (3) arguments for and against each such question as provided in subsections (d) and (e). The information specified in this subsection shall be sent to each residence of one or more voters whose name appears on the current voting list for said city, town or district not later than seven days before any election at which such a question will be submitted solely to the voters of the city, town or district. The governing body may also print and distribute such information with respect to a question on the ballot pursuant to section 18A of chapter 53.
The governing body shall, not later than the day following making of the determination that a question will appear on the ballot in an election, provide written notification to the city solicitor or town or district counsel and to the city or town clerk.
(d) The city, town or district solicitor or counsel shall, within five days after a question is placed on the ballot, seek written arguments from the principal proponents and opponents of each such question. For the purposes of this section, the principal proponents and opponents of any such question shall be those persons determined by the solicitor or counsel to be best able to present the arguments for and against such question. The solicitor or counsel shall designate a date by which written arguments must be received, in a written notice to the principal proponents and opponents. Said notice to the principal proponents and opponents shall be issued at least seven days before the date by which the written arguments must be received. Proponents and opponents shall submit their arguments to the solicitor or counsel with a copy to the city, town or district clerk. No argument shall contain more than 150 words. The arguments and summary must be submitted by the solicitor or counsel to the governing body not later than 20 days before the election for distribution to voters in accordance with subsection (b). A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city or town clerk.
(e) In determining the principal proponents and opponents of such a question, the solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1, organized specifically to influence the outcome of the vote on such question. The principal proponents or opponents of such a question may include officers of a ballot question committee, or officers of a city, town or district officer or committee, such as a finance committee or school committee. In addition, the principal proponents or opponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. The solicitor or counsel shall determine, based on a review of arguments received, the person or persons best able to present arguments for and against a question. If no arguments received by the solicitor or counsel within the time specified by the solicitor or counsel, the solicitor or counsel shall prepare such argument and submit the argument to the governing body, and to the city or town clerk, within the time specified in subsection (d).
(f) All arguments filed or prepared pursuant to this section, and the information prepared pursuant to subsection (b), shall be open

to public inspection at the office of the city or town clerk, and if prepared by a district, the arguments and summary shall be open to public inspection at the office of the clerk of each city or town within the jurisdiction of the district. In addition, the city, town or district clerk shall make the information printed pursuant to this section available to voters at all polling places.
(g) The provisions of this section shall apply only to cities, towns and districts which accept the same pursuant to section 4 of chapter 4."
After remarks, the amendment was *rejected*.
Messrs. Lees, Keating and Ms. Jacques moved to amend the bill by inserting after section 30 the following two sections:—
"SECTION 30A. Section 3 of chapter 32 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word, superintendent', in line 330, the following words:— ; unit manager, director of security deputy superintendent, superintendent; employees of the department of correction who hold the position of associate commissioner, assistant deputy commissioner, deputy commissioner or commissioner, provided that such employee has been employed by said department for not less than ten years, in the aggregate, in any combination of the following: (1) a position classified under retirement group 2, (2) a position classified under retirement group 4, (3) the position or positions of director of classification, director of treatment, correction program officer or any other such predecessor positions or titles; employees of the department of correction who hold such predecessor positions or titles; employees of the department of correction who hold the position of chief of investigations, provided that such employee has been employed by said department for not less than ten years, in the aggregate, in any combination of the following: (1) the position of chief of investigations, (2) a position classified under retirement group 2, (3) a position classified under retirement group 4, (4) the position or positions of director of classification, director of treatment, correction program officer or any other such predecessor positions or titles.
SECTION 30B. Section 28M of said chapter 32, as so appearing, is hereby amended by inserting after the first sentence the following sentence:— Notwithstanding the provisions of sections 1 to 28, inclusive, to the contrary, any employee of the department of correction classified under retirement group 4, whose major responsibilities include the supervision of those providing for the care, custody or apprehension of prisoners, provided that such employee has been employed by said department in a position or positions classified under retirement group 2, retirement group 4 or, as a director of classification, director of treatment, correction program officer or within any other such predecessor positions or titles, for not less than 20 years in the aggregate, shall at said employee's request, be retired by the retirement board."
The amendment was *rejected*.
Mr. Lees moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the department of mental retardation shall establish a sick leave bank for Owen Jones, an employee of said department. Any employee of said department may voluntarily contribute one or more sick, personal or vacation days to said sick leave bank for use by said Owen Jones".
The amendment was *rejected*.
Mr. Lees moved to amend the bill by inserting after section 67 the following three sections:—
"SECTION 67A. Section 113B of chapter 175 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word registration', in line 219, the words: or inspection'.
SECTION 67B. Said section 113B of said chapter 175, as so appearing, is hereby further amended by inserting after the word plate', in line 219, the following words:— or windshield'.
SECTION 67C. Said section 113B of said chapter 175, as so appearing, is hereby further amended by striking out, in line 221, the words sticker affixed to the license plate' and inserting in place thereof the following words:— or inspection sticker affixed to the license plate or windshield'."
The amendment was *rejected.*
Mr. Travaglini moved to amend the bill by adding the following section:—
"SECTION 214. Notwithstanding the provisions of any general or special law to the contrary, for the commonwealth's fiscal years beginning in fiscal year 1999, any specialty hospital, as defined in section 1 of chapter 118G of the General Laws, which provides free care as defined in said section 1 of said chapter 118G, shall be entitled to file a petition with the division of health care finance and policy for relief from its net liability to the uncompensated care pool pursuant to said section 18 of said chapter 118G; provided, that said specialty hospital's gross outpatient service revenue equals at least 80 per cent of its gross patient service revenue as of January 1, 1996. For the purposes of this section gross outpatient service revenue' shall mean gross patient service revenue minus gross in-patient service revenue. For relief for the commonwealth's fiscal year 1999, the division shall determine said specialty hospital's excess revenues over expenses, using the audited financial statements for hospital fiscal year 1997. The relief shall equal the difference between said specialty hospital's net liability to the uncompensated care pool calculated pursuant to section 18 of said chapter 118G of the General Laws and the excess revenues over expenses; provided, however, that if such difference is negative, the relief shall equal said hospital's net liability to the pool.
For years subsequent to the commonwealth's fiscal year 1999, said specialty hospital shall file said petition by February 1 of each year requesting relief for the following fiscal year of the commonwealth. The division of health care finance and policy shall determine whether said specialty hospital's ratio of free care and emergency bad debt charges to non-emergency bad debt charges meets the following criteria, using the uncompensated care charges reported for the most recent hospital fiscal year or, if such charges are unavailable, the best available data. For relief from the commonwealth's fiscal year 2000 net liability, said specialty hospital's fiscal year 1998 ratio must increase by at least 10 per cent over fiscal year 1997 ratio. For relief from the net liability in the commonwealth's fiscal year 2001 and subsequent years, said specialty hospital's ratio for the hospital's fiscal year two years prior to the year for which relief is requested must increase by at least 30 per cent over its ratio for its fiscal year three years prior

to the year for which relief is requested, until its ratio is greater than or equal to the average ratio for all acute hospitals exclusive of Boston City Hospital and Cambridge Hospital. Once the specialty hospital's ratio is greater than or equal to such average, said ratio must remain at least 90 per cent of such average in each succeeding year in order to continue to qualify for relief.
For relief for years subsequent to the commonwealth's fiscal year 1999, providing the specialty hospital's ratio meets these criteria, the division shall determine said specialty hospital's excess revenues over expenses, using the audited financial statements for the hospital fiscal year two years prior to the year for which relief is requested, or, if such statements are not available, the best available data. If said specialty hospital has received less than $936,000 from its related parent company or foundation in any fiscal year, its excess revenues over expenses shall be recalculated as if it had received $936,000 from said parent company or foundation. The relief shall equal the difference between said specialty hospital's net liability to the uncompensated care pool calculated pursuant to section 18 of said chapter 118G of the General Laws and said excess revenues over expenses; provided, however, that if such difference is negative, the relief shall equal said specialty hospital's net liability to the pool; and provided further, that if such difference is positive and less than one-half of one per cent of said specialty hospital's net patient service revenue, the relief shall be zero.
If said specialty hospital qualifies for relief under this section, the division shall transfer from the labor shortage fund as established by section 83 of chapter 23 of the acts of 1988 into the Uncompensated Care Trust Fund, by section 18 of chapter 118G of the General Laws, an amount equal to the amount of such relief calculated pursuant to this section for the commonwealth's relevant fiscal year, for the purpose of ensuring that other participating hospitals' liability to the uncompensated care pool does not increase due to the relief granted to said specialty hospital. The labor shortage fund shall be the sole source of funding for this relief. If the amount of relief calculated pursuant to this section exceeds the funds remaining in the labor shortage fund, the amount of relief shall equal the funds remaining in the labor shortage fund. Said specialty hospital's net liability to the uncompensated care pool pursuant to said section 18 of said chapter 118G shall be reduced by the amount transferred from the labor shortage fund.
The division shall file a report with the joint committee on health care and the house and senate committees on ways and means by April 1 of each year, specifying whether said specialty hospital meets the criteria set forth in this section, the estimated amount of relief to be granted, if any, and the current balance of funds remaining in the labor shortage fund."
The amendment was adopted.
Mr. Magnani moved to amend the bill, in section 161, by inserting after the words "incurred to finance the Metrowest water supply tunnel, so called" the following proviso:— "; provided further, that the Authority, upon completion of the final development plan by the town of Ashland, may, should the town express a preference to do so, make said connection through the Bracket Road connector, so-called;".
The amendment was adopted.

At twenty-three minutes past twelve o'clock noon, at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at nine minutes before two o'clock P.M., the Senate reassembled, the President in the Chair

There being no objection, the following amendments were considered as one and *rejected,* to wit:
Messrs. Clancy, and Tarr and Ms. Melconian moved to amend the bill by inserting after section 42 the following section:—
"SECTION 42A. Chapter 62 of the General Laws is hereby amended by inserting after section 10 the following section:—
SECTION 10A. (a) A qualified funeral trust shall have the same meaning as in the Code, as amended, on January 1, 1998, effective for taxable years ending on or after August 5, 1997.
(b) For taxable years ending on or after August 5, 1997 a qualified funeral trust exemption of $250 shall be allowed for each qualified funeral trust, first against Part A gross income and any remainder deductible against part B gross income."
The amendment was *rejected.*
Messrs. Clancy and Berry, Ms. Jacques and Mr. Pacheco moved to amend the bill by inserting after section 30 the following three sections:—
"SECTION 30A. Section 8 of chapter 44 of the General Laws, as so appearing, is hereby amended by inserting after the word television', in line 50, the following words:— or telecommunications'.
SECTION 30B. Said section 8 of said chapter 44, as so appearing, is hereby further amended by inserting after the word television', in line 65, the following words:— or telecommunications'.
SECTION 30C. Said section 8 of said chapter 44, as so appearing, is hereby further amended by inserting after the word antenna', in line 75, the following words:— or telecommunications.' "; and by inserting after section 67 the following sections:—
"SECTION 67A. Section 12 of chapter 159 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word commonwealth,', in line 5, the following words:— except when such services are provided by a municipality that provides telecommunications services pursuant to section 34C of chapter 164.'
SECTION 67B. Subparagraph (d) of said section 12 of said chapter 159, as so appearing, is hereby further amended by adding the following sentence:— The provision of such services by a municipally owned telecommunications system organized pursuant to chapter 164 shall be exempt from regulation under this chapter.'
SECTION 67C. Chapter 164 of the General Laws, as amended by section 196 of chapter 164 of the acts of 1997, is hereby further amended by inserting after section 34B the following section:—
Section 34C. A municipal lighting plant established pursuant to this chapter or any other general or special law is hereby authorized to construct, purchase or lease, and maintain within its service territory facilities for the distribution or for the operation of a telecommunications system for municipal use or for the use of its inhabitants. Such municipal light plant may incur

debt for same by a vote taken in the manner prescribed in section 8 of chapter 44. Such facilities may include suitable land, structure and machinery and other apparatus and appliances for operating a telecommunications system. A town, engaged in the business of operating a telecommunications system, may, as a part of such business if an appropriation is made therefor, rent, lease or sell for cash or credit at prevailing retail prices, install and service, within the territory served by such business, merchandise, equipment, utensils and chattels of any description, incidental or auxiliary to the operation of said telecommunications system or the use to its customers or necessary or expedient in the protection or management of its property used in such business. Wherever appropriate, the provisions of this chapter and chapter 44 which apply to the operation and maintenance of a municipal light plant shall apply also to the operation and maintenance of such telecommunications system.
SECTION 67D. Section 1 of chapter 166 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— For purposes of sections 1 to 10, inclusive, the word company' shall not include a municipality that provides telephone services pursuant to section 34C of chapter 164.
SECTION 67E. Section 11 of said chapter 166, as amended by section 255 of chapter 164 of the acts of 1997, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— The word company' in this and the following section shall include every person, partnership, association, corporation and municipality engaged in the business of the transmission of intelligence by electricity.
SECTION 67F. Section 13 of said chapter 166, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— For purposes of sections 13 to 15D, inclusive, the words person' or company' also shall include a municipality that provides telephone services pursuant to section 34C of chapter 164.
SECTION 67G. The definition of common carrier' of subsection (a) of section 15E of said chapter 166, as so appearing, is hereby amended by adding the following sentence:— For purposes of this section common carrier also shall include a municipality that provides telecommunications services pursuant to section 34C of chapter 164."; and by inserting after section 87 the following section:—
"SECTION 87A. Section 1 of chapter 258 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word plant', in line 42, the following words:— or community antenna television or telecommunications system,".
The amendment was *rejected.*
Mr. Lees moved to amend the bill by adding at the end thereof the following new section:—
"SECTION 87A. Chapter 233 of the General is hereby amended by adding the following section:—
Section 84. An employer or duly authorized agent of said employer who provides or otherwise discloses information about a former employee's job performance or work record to a prospective employer or duly authorized agent is presumed to be acting in good faith and, unless lack of good faith is demonstrated by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. Clear and convincing evidence of lack of good faith shall be evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information."
The amendment was *rejected.*
Ms. Melconian moved to amend the bill, in section 124, subsection (37), by inserting in proposed section 29, after the first sentence, the following:— "Each employee of an abolished county who retired before the transfer data shall receive the retirement benefits offered by the state or those offered by the county at the time of the transfer date, whichever is greater for said retired employee."
The amendment was *rejected*.
Mr. Tisei moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Section 13 of chapter 58 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word purposes;', in line 15, the following words:— and all land owned or under the control of the metropolitan district commission that totals an amount equal or greater than 25% of a community's total land mass'."
The amendment was *rejected*.
Mr. Tisei moved to amend the bill by inserting after section 13 the following section:—
"SECTION 13A. Section 27A of chapter 10 of the General Laws is hereby repealed."
The amendment was *rejected*.
Mr. Tisei moved to further amend the bill by inserting after section 19 the following section:—
"SECTION 18A. Chapter 18 of the General Laws is hereby amended by striking out section 5D, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:—
Section 5D. Any vendor procuring a payment under any assistance program administered by the department who violates any of the provisions of section 5B or sections 40 to 46, inclusive, of chapter 118E shall be ineligible to participate further in the program for a period of 10 years next subsequent to the date of conviction for said violation, and the department shall notify the appropriate board of registration or licensing agency of said conviction for said violation and the board of registration or licensing agency shall revoke the license of said vendor; provided, however, that a vendor shall not be considered in violation of said section 5B or said sections 40 to 46, inclusive, upon submission of proof, to the satisfaction of the commissioner, that such violation was due solely to a clerical or administrative error.
Upon a conviction for said violation the court shall, in addition to any other punishment, order said vendor to pay to any individual, agency or institution which provided information to the department which led to said conviction the sum of $2500"; and by inserting after section 58 the following section:—
"Section 58A. Chapter 118E of the General Laws is hereby amended by striking out section 46A, as so appearing in the 1996 Official Edition, and inserting in place thereof the following section:—

Section 46A. Any provider procuring a payment under any medical assistance program administered by the division who violates any of the provisions of sections 39 to 46, inclusive, shall be ineligible to participate further in the program for a period of 10 years next subsequent to the date of conviction for said violation, and the division shall notify the appropriate board of registration or licensing agency of said provider; provided, however that a provider shall not be considered in violation of said sections 39 to 46, inclusive, upon submission of proof to the satisfaction of the commissioner, that such violation was due solely to a clerical or administrative error.
Upon a conviction for said violation the court shall, in addition to any other punishment, order said provider to pay any individual, agency or institution which provided information to the division which led to said conviction the sum of $2500."
The amendment was *rejected*.
Mr. Shannon moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of any general or special law to the contrary, local boards of health and the department of environmental protection shall not withhold or revoke any licenses to operate a mobile park due to Title V violations for a period of two years from the effective date of this act."
The amendment was *rejected*.
Mr. Tolman moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of any general or special law to the contrary, any provider who has purchased on or after May 1, 1998 a nursing home from a receiver appointed under section 72N of chapter 111 of the General Laws shall not be subject to the provisions of paragraph (5) of section 36 of chapter 118E of the General Laws."
The amendment was *rejected*.
Messrs. Tolman and Tarr moved to amend the bill by inserting after section 48 the following section:—
"SECTION 48A. Section 1 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the words news;', in line 98, the following words:— and excluding the furnishing of information by photocopy or other similar means by libraries';" and by inserting after section 217 the following section:—
"SECTION 217A. The provisions of section 42A shall be effective for tax years beginning on or after January 1, 1991."
The amendment was *rejected*.
Mr. Tolman moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of any special or general law to the contrary the property known as the golf course site,' as described in section 2 of chapter 309 of the acts of 1996, is hereby transferred to the city of Waltham solely for golf course purposes effective immediately upon passage; provided further, the property known as the MDC reservation site,' as described in section 2 of said chapter 309 is hereby transferred to the care and control of the metropolitan district commission for parks purposes, upon passage of this act. Each transfer is subject to the provisions of said chapter 309 and the reuse plan' referenced within said act; provided further, that each property shall be transferred in accordance to the survey plan' as referenced in said chapter 309 without revision or modification. All funds and other such revenues generated on the property known as the MDC reservation site' shall be deposited directly into the Metropolitan Parks Fund, in accordance with section 34 of chapter 92 of the General Laws."
The amendment was *rejected*.
Ms. Murray moved to amend the bill by inserting after section the following section:—
"SECTION . Section 59 of chapter 10 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the words non-residential rehabilitation' in the last sentence."
The amendment was *rejected*.
Messrs. Keating, Shannon, Morrissey and Ms. Jacques moved to amend the bill by inserting after section 7 the following section:—
"SECTION 7A. Clause forty-third of section 7Y of chapter 4 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word service', in line 245, the following paragraph:—
'For the purposes of the application of the provisions of chapter 115, the term veteran' shall also mean any person whose last discharge or release from active service was under honorable conditions and who was a member of the armed forces for not less than 180 days of active service.' "
The amendment was *rejected*.
Mr. Morrissey moved to amend the bill by inserting after section 8 the following five sections:—
"SECTION 8A. Section 205 of said chapter 6, as so appearing, is hereby amended by striking out the preceding caption and inserting in place thereof the following caption:— Office for New Americans of Massachusetts'.
SECTION 8B. Section 207 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 19 to 21, inclusive, the words ; provided, however, that no responsibility of the department of public welfare under chapter one hundred and eighteen or chapter one hundred and eighteen E of the General Laws shall be transferred to the office'.
SECTION 8C. Said section 207 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 28, the words to carry out any of the office's functions and purposes;' and inserting in place thereof the following words:— and to impose reasonable charges for any services rendered or materials furnished and to retain and expend such funds to carry out any of the office's functions and purposes; and'.
SECTION 8D. Subsection (k) of said section 207 of said chapter 6 of the General Laws, as so appearing, is hereby further amended by striking out clauses (k) and (l) and inserting in place thereof the following clause:— (k) to perform such other functions that are consistent with the purpose of the office'.
SECTION 8E. Section 208 of said chapter 6, as so appearing, is hereby amended by striking out, in line 17 and in lines 21 and

22, the words office for refugees and immigrants', each time they appear, and inserting in place thereof, in each instance, the following words:— office for new americans of massachusetts'."
The amendment was *rejected*.
Messrs. Morrissey and Moore moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Subdivision (1) of section 4 of said chapter 32 of the General Laws is hereby amended by inserting after paragraph (h), as appearing in the 1996 Official Edition, the following paragraph:—
(h½) A member in service of the teachers' retirement system employed in a vocational-teacher school approved by the department of education pursuant to chapter 74 may receive creditable service for any period or periods of work experience pursuant to regulations of the department of education, on proportionate basis which the board shall determine according to rules and regulations adopted by the board and approved by the commission; provided, that no credit shall be allowed until such member has paid into the annuity savings fund of the system before any retirement allowance becomes effective for such member, in one sum, or installments, upon such terms and conditions as the board may prescribe, an amount that is equal to the regular deductions that would have been withheld from the member's regular deductions that would have been withheld from the member's regular compensation had such member been a member of teachers retirement system immediately prior to the start of his service; and provided further:, that no credit shall be allowed and no payment shall be accepted until the member shall have completed 10 or more years of membership service. The maximum creditable service allowable under this paragraph for any member shall not exceed four years."
The amendment was *rejected*.
Mr. Morrissey and Ms. Wilkerson moved to amend the bill by adding the following section:—
"SECTION . Every contract which provides coverage for hospital, surgical or medical care shall provide the following coverage for diagnostic screening for prostatic cancer: upon the recommendation of a physician, medically recognized diagnostic testing including, but not limited to, a digital rectal examination, transrectal ultrasonography and prostate-specific antigen test at any age for covered persons having a prior history of prostate cancer; and (I) upon the recommendation of a physician, medically recognized diagnostic testing including, but not limited to, a digital rectal examination, transrectal ultrasonography and a prostate-specific antigen test at any age for covered persons having prior history of prostate cancer; and
(ii) an annual medically recognized diagnostic examination including, but not limited to, a digital rectal examination, transrectal ultrasonography and prostate-specific antigen test for:
(a) asymptomatic men, aged 50 and over, and
(b) African-American men, aged 40 and over, and
men with a family history of prostate cancer, aged 40 and over."
The amendment was *rejected*.
Mr. Durand moved to amend the bill by inserting after section 53 the following section:—
"SECTION 53A. Section 2E of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:—
In each case under this chapter, where the costs attributed to the issuance of distinctive registration plates are to be deducted before the distribution of the revenue generated, such deducted costs shall be deposited into a registry retained revenue account."
The amendment was *rejected*.
Mr. Durand, Ms. Jacques and Mr. Keating moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended by inserting after the word health', in line 73, the following words:— or a municipal board of health'."
The amendment was *rejected*.
Mr. Durand moved to amend the bill by inserting after section 53 the following section:—
"SECTION 53A. Section 325 of chapter 94 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 9, each time it appears the word twelve' and inserting in place thereof, in each instance, the following word:— eight."
The amendment was *rejected*.
Mr. Durand moved to amend the bill by inserting after section 98 the following section:—
"SECTION 98A. Section 22 of chapter 78 of the acts of 1998 is hereby amended by inserting after the word Natick;' the following words:— (4) a corrosion control facility constructed in the city of Marlborough by the Massachusetts Water Resources Authority;'."
The amendment was *rejected*.
Mr. Durand moved to further amend the bill by adding at the end thereof the following section:—
"SECTION . The fifth sentence of subsection (b) of section 11 of chapter 645 of the acts of 1948, as appearing in section 2 of chapter 746 of the acts of 1987, is hereby amended by inserting after the word construction' the following words:— , and shall be applied equally to new construction and renovation projects'."
The amendment was *rejected*.
Mr. Panagiotakos moved to mend the bill by inserting after section 53 the following section:—
"SECTION 53A. Section 323 of chapter 94 of the General Laws, as so appearing, is hereby amended by adding the following sub section:—
(j) All vending machines in the commonwealth which accept and redeem empty beverage containers subject to this section from consumers, shall be designed to identify and redeem only containers upon which a refund value is imposed and collected, and to reject beverage containers which are not subject to a refund value. No such vending machine may be sold or leased to, or otherwise placed in operation at a dealer or redemption center location after July 1, 1998, which is not in compliance with this section. Any such vending machines operating at dealer or redemption center locations in the commonwealth prior to July 1,

1998 may continue in operation, but shall be redesigned to comply with this section. The secretary of environmental affairs shall determine the schedule for implementing compliance by existing machines based upon a finding by said secretary that the technology is available for the machines to property identify and redeem only beverage containers with a refund value and reject all other beverage containers."

The amendment was *rejected*.

Mr. Panagiotakos, Ms. Wilkerson and Mr. Tarr moved to amend the bill by inserting after section 67 the following section:—

"SECTION 67A. The fifth sentence of subparagraph (I) of paragraph (4) of section 1F of chapter 164 of the General Laws, as appearing in section 193 of chapter 164 of the acts of 1997, is hereby amended by inserting after the word income' the following words:— or verification by the low-income weatherization and fuel assistance network of a low-income customer's income as not exceeding 175 per cent of the federal poverty level based on a house hold's gross income'."

The amendment was *rejected*.

Ms. Jacques moved to amend the bill by inserting after section 74 the following section:—

"SECTION 74A. Notwithstanding any law, rule or regulation to the contrary, the division of capital planning and operations is hereby authorized and directed to complete the transfer of the parcel of land authorized by chapter 135 of the acts of 1997 to the town of Wrentham as a payment in lieu of taxes for the land surrounding the Wrentham developmental center, a public institution under the department of mental retardation, as required by chapter 58 of the General Laws. Said transfer shall offset a portion of the shortfall in such payments since fiscal year 1998 equal to the assessed value of the parcel'."

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill by inserting after section 202 the following section:—

"SECTION 202A. Whereas the Massachusetts turnpike authority and the Massachusetts port authority have completed their respective missions to pay off the costs of the building of the turnpike, the Boston extension, and the Tobin bridge; and whereas the Massachusetts turnpike authority and the Massachusetts port authority have failed to make the turnpike, the Boston extension, the Tobin bridge, the Sumner tunnel, the Callahan tunnel, and the Ted Williams tunnel toll free; and whereas the people have an expectation in seeing that all roads, highways, bridges, and tunnels in the Commonwealth of Massachusetts be toll free; therefore, the goal of this section shall be to make the turnpike, the Boston extension, the Tobin bridge, the metropolitan highway system, the Sumner tunnel, the Callahan tunnel, and the Ted Williams tunnel, including all access roads thereto or any other road, highway, tunnel, or bridge in the Commonwealth to which the public has the right of motor vehicle access, upon the effective date of this act, toll free.

The Massachusetts port authority and the Massachusetts turnpike authority are hereby urged to make all necessary economies and financial arrangements to avoid the necessity for any legislative appropriations; provided that it is further expected that the legislature would mandate certain future economies to be made by the Massachusetts turnpike authority and the Massachusetts port authority on the turnpike and the metropolitan highway system and would, if compensation need be paid in order to implement these sections in a constitutional manner, appropriate the necessary funds. As used this section and the following two sections of this act, turnpike', the Boston extension', Tobin bridge', Sumner tunnel', Callahan tunnel', Ted Williams tunnel', and the metropolitan high way system' shall have the same meanings as defined in Massachusetts General Laws Chapter 81A, Section 3."; by inserting after section 51 the following section:—

"SECTION 51A. Chapter 81A of the General Laws is hereby amended by adding the following four sections:—

Section 32. Notwithstanding the provisions of any general or special law to the contrary, including the provisions of this chapter and of chapter 3 of the acts of 1997, on and after August 15, 1999, the commonwealth, all cities, towns, political divisions and sub-divisions, public corporations, and private corporations, including but not limited to, the Massachusetts turnpike authority and the Massachusetts port authority, shall be prohibited from collecting tolls on the turnpike, the Boston extension, the metropolitan highway system. the Tobin bridge, the Sumner tunnel, the Callahan tunnel and the Ted Williams tunnel and all approach roads leading thereto or on any other road, highway, tunnel, or bridge to which the public has the right of motor vehicle access in the commonwealth.

Section 33. Notwithstanding the provisions of any general or special law to the contrary, including the provisions of this chapter and of chapter 3 of the acts of 1997, on and after January 1, 1999, the commonwealth, all cities, towns, political divisions and sub-divisions, public corporations, and private corporations, including but not limited to the Massachusetts turnpike authority and the Massachusetts port authority, shall be prohibited from collecting tolls on the Tobin bridge, the Sumner tunnel, the Callahan tunnel, the Ted Williams tunnel, and all approach roads leading thereto or on any other road, highway, tunnel, or bridge, to which the public has the right of motor vehicle access in the commonwealth, in an amount greater than the established tolls in effect on June 1, 1997.

Section 34. On January 1, 1999, the Massachusetts turnpike authority and the Massachusetts port authority shall erect signs to be placed at all toll collection areas which shall state that effective August 15, 1999, this facility shall be toll-free'.

Section 35. The Massachusetts turnpike authority and the Massachusetts port authority shall conduct a study of the financial implications of sections 32 and 33 of this chapter and shall report the results of said study to the joint committee on transportation and the house and senate committees on ways and means, on or before March 31, 1999 in order to determine if compensation need be paid in order to implement this section in a constitutional manner."; and by adding the following section:—

"SECTION . The provisions of the sections 202A and 51A of this act that eliminate the ability of the Massachusetts turnpike authority and the Massachusetts port authority from collecting tolls on the Tobin bridge, the Sumner tunnel, the Callahan tunnel, the Ted Williams tunnel, and all approach roads leading thereto or on any other road, highway, tunnel, or bridge, to which the public has the right of motor vehicle access in the commonwealth, are severable, and if any clause, sentence or paragraph in said sections pertaining to that purpose or an application thereof shall be adjudged by any court of competent jurisdiction to be

invalid, such judgement shall not affect, impair, or invalidate the remainder therefor but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid and such clause, sentence, paragraph, section or application shall be reformed and construed so that it would be valid to the maximum extent permitted."
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill by inserting after section 93 the following section:—
"SECTION 93A. Section 3 of chapter 192 of the acts of 1994 is hereby amended by inserting after the words, shall receive for each regular session $7,500 additional compensation;' the following words:— the president of the senate and the speaker of the house of representatives shall be authorized to propose modifications to those positions receiving additional compensation under the provisions of this section at any time; provided that such amendment does not increase the net number of positions receiving additional compensation; and provided that separate and distinct legislation must be filed in order to increase the overall number of positions receiving additional compensation and consideration of such matter shall not be allowed without public notice and a hearing conducted by the joint committee on ways and means'."
The amendment was *rejected.*
Messrs. Hedlund and Keating moved to amend the bill by adding the following section:—
"SECTION . The Massachusetts Bay Transportation Authority is hereby authorized and directed to conduct a study for the purpose of ascertaining the additional cost of extending paratransit service into all communities currently paying an assessment to support public transportation services within the Massachusetts bay transportation authority district. In addition thereto, the authority is hereby further directed to survey the sixteen communities that do not presently receive door-to-door public transportation service for their residents with mental, physical or sensory disabilities in order to determine the probable number of residents in each such municipality that would be likely to utilize services provided by the ride, so-called, if service was available to the home address; provided that before preparing such documentation the authority should work with local government agencies that serve the elderly and disabled populations in each such community and shall further work in conjunction with the executive office of elder affairs and the executive office of health and human services to ascertain an acceptable method for determining this information; and provided further that the authority shall include this methodology along with their report and shall provide the final report to each agency that assisted in developing or conducting the study, the local legislative body in each community currently within the service area without paratransit service from the authority and the house and senate committees on ways and means no later than January 15, 1999."
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding any special or general law to the contrary, the department of environmental protection shall not approve plans for the closure or post-closure of a private landfill located in the town of Cohasset until such time as the department has held a public hearing in said town and has accepted public comments for a 30 day period regarding such plans; provided that the department shall also include within the final decision on such plans or post-closure plans its response to all public comments received on the matter during the public comment period."
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, by adding the following section:—
"SECTION . The executive office of transportation and construction is hereby directed to conduct a daily study of traffic speed on the portion of Route 3 south of the city of Boston. Specifically, said study shall be conducted daily, at four hourly intervals, beginning at 6:30 A.M. and continuing to 9:30 A.M. for the northbound lanes and measuring the amount of time required to travel from the interchange with route 53, at exit 13, in the town of Hanover, to the exit for Kneeland Street in the city of Boston. Said study shall also be conducted daily, at four hour intervals, beginning at 3:30 P.M. and continuing until 6:30 P.M. The executive office shall quarterly file a report with the joint committee on transportation in the legislature on the results of said study, including any recommendation for increasing the speed traveled on Route 3 during the hours monitored."
The amendment wee *rejected.*
Mr. Hedlund moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of any special or general law to the contrary, the Plymouth county correctional facility, with the approval of the sheriff of Plymouth county, may be used as a regional lock-up facility within Plymouth county. Said facility may be used with the approval of the sheriff and at the discretion of the individual chiefs of police, for the detention of persons arrested. The Plymouth county correctional facility, when used as a lock-up facility, shall have the same function and power as a lock-up established under section 34 of chapter 40 of the General Laws. The costs of maintaining said regional lock-up facility shall not be borne by the commonwealth, nor shall the costs be included in the maintenance of effort expended by said county for said facility."
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill by adding the following section:—
"SECTION . The commissioner of the division of capital planning and operations is hereby authorized to convey a certain parcel of land located in the town of Hull, presently under the care, custody and control of the metropolitan district commission to the town of Hull. Said parcel is shown on the town of Hull Assessors Map 27, Lots B and 3C. In consideration of the previous conveyance, the town of Hull acting by and through its board of selectmen, shall convey certain parcels of land located in said town to the commonwealth for inclusion in the metropolitan district commission reservation. Said parcels are shown on Hull Assessors Map 7, Lots 60 and 62, Map 56, Lots 40 and 42."
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill by inserting after section 13 the following section:—

"SECTION 13A. Section 59 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words non-residential rehabilitation'."
The amendment was *rejected.*
Mr. Rauschenbach moved to amend the bill by inserting after section 205 the following section:—
"SECTION 205A. Notwithstanding the provisions of any general or special law to the contrary, operating expenditures for the fiscal years ending June 30, 1999, and June 30, 2000, of the Martha's Vine yard regional transit authority may exceed 103 per cent of its operating expenditure for the fiscal year ending June 30, 1998, for the purposes of mitigating the impact of the population growth and tourism services on the island of Martha's Vineyard."
The amendment was *rejected.*
Mr. Rauschenbach moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of any general or special law to the contrary, the resources made available to the southeast coastal region prevention center by the department of public health shall be equitably allotted among Cape Cod and the Islands and the rest of the region."
The amendment was *rejected.*
Mr. Rauschenbach moved to amend the bill by inserting after section 19 the following section:—
"SECTION 19A. Section 12 of chapter 19 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following two sentences:— For the purposes of this section, area' shall mean the geographic subdivision within the state that is responsible for providing access to comprehensive mental health services for individuals within its boundaries, provided, however, that each area must be comprised of sites. For the purposes of this section, site' shall mean the geographic subdivision within the area which is responsible for coordinating local field or community mental health programs within its boundaries."
The amendment was *rejected.*
Mr. Montigny moved to amend the bill by adding the following section:—
"SECTION . (a) The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of sections 40F and 40F½, of chapter 7 of the General Laws, to sell up to five acres of land with any buildings or improvements thereon within the University of Massachusetts at Dartmouth campus to a developer to construct and operate a skating rink or rinks at such location. Said sale shall be on such terms and conditions as the commissioner may determine after consultation with the chancellor of said university, which terms and conditions shall include the obligation of the developer to make the skating rink or rinks available for use by the university.
(b) The amount of consideration for such sale shall be equal to the fair market value of the property as established by the commissioner through independent appraisal.
The developer of the property shall bear all costs of any surveys, title examinations, site assessments, legal services, recording fees and any other costs and expenses to effect the sale of the property and shall bear all costs associated with the development, construction and operation of the skating rink or rinks on the property.
(d) Any deed or disposition agreement shall contain a provision which in effect would require the entire real estate interest in the property to revert to the commonwealth to the care and control of the university if the property is not developed or used for the purposes authorized by this act.
(e) The commissioner is hereby authorized, notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any general or special law to the contrary, to retain, accept or acquire by purchase, transfer, lease, eminent domain or otherwise, and to convey, transfer the care and control of to any instrumentality of the commonwealth or to grant by deed, transfer, lease or otherwise, any easements or rights-of way in, over, and beneath the property or portions thereof or other property of the commonwealth contiguous to, or across any way from, the property for access, egress, drainage, utilities, construction vehicles and any other purposes as the commissioner deems necessary and appropriate to carry out the purposes of this act."
The amendment was *rejected.*
Mr. Montigny moved to amend the bill by inserting after section 33 the following section:—
"SECTION 33A. Section 1 of chapter 61B of the General Laws, as so appearing, is hereby amended by inserting after the word golfing', in line 15, the following words:— non-commercial youth soccer,'."
The amendment was *rejected.*
Messrs. Montigny and Joyce moved to amend the bill by inserting after section 96 the following section:—
"SECTION 96A. Subsection (I) of section 63 of chapter 43 of the acts of 1997 is hereby amended by striking out the second sentence and inserting in place thereof the following three sentences:— Said expenditures shall be the actual cost to the taxpayer or $15,000, whichever is less; provided, that said credit shall be available to eligible taxpayers beginning in the tax year in which the repair or placement of said cesspool or septic system was completed; provided, that said credit shall not exceed $1,500 in any tax year and any excess credit may be applied over the following five subsequent tax years up to a maximum of $6,000. The department of revenue, in consultation with the joint committee on taxation, is hereby directed to establish regulations that provide for a single annual interest rate for the Title V tax credit, so-called. Said regulations shall be completed by September 1, 1998."
The amendment was *rejected.*
Messrs. Lynch, Rauschenbach and Joyce moved to amend the bill by inserting after section 42 the following section:—
"SECTION 42A. Section 6 of said chapter 62, as so appearing, is hereby amended by adding the following subsection:—
(h)(1) As use in this subsection, the following, words and phrases shall have the following meanings:

'Alternative fuel', any fuel designated as such on an annual list issued by the department of environmental protection.
'Alternative fuel vehicle', a motor vehicle, as defined by section 1 of chapter 90, which the department o environmental protection determines to: (1) operate exclusively on an alternative fuel; and (2) meet applicable state and federal safety emission standards. The department of environmental protection shall publish an annual list of alternative fuel vehicles.
'Comparable conventionally-fueled motor vehicle' or comparable vehicle', a motor vehicle which is (1) commercially available at the time the comparability is being assessed; (2) powered by an internal combustion engine that uses petroleum as its fuel source; and (3) provides passenger capacity or payload capacity the same or similar to the alternative fuel vehicle to which it is being compared. The department of environmental protection shall publish an annual list, to he updated as needed, of comparable conventionally-fueled motor vehicles.
'Facility', any structure, equipment, apparatus wires or piping used with dispensing or charging equipment necessary to dispense an alternative fuel as determined by the division of energy resources in consultation with the department of environmental protection.
'Incremental cost', the difference between the price paid for an alternative fuel vehicle and the average retail cost of a comparable conventionally-fueled motor vehicle. The department of environmental protection shall publish an annual list, to be updated as needed, of the average retail price of comparable conventionally-fueled motor vehicles to be used as the basis for determining incremental cost.
(2)(I) A credit shall be allowed against the tax imposed by this chapter in an amount equal to 50 per cent of the incremental cost of purchasing a new alternative fuel vehicle and 50 per cent of the cost of converting a petroleum fueled motor vehicle to an alternative fuel vehicle. For an originally equipped alternative fuel vehicle, the credit allowed shall be claimed in the first taxable year in which the vehicle is registered. For a motor vehicle which has been converted to an alternative fuel vehicle, the credit shall be claimed in the first taxable year in which the conversion occurs. Conversion costs eligible for such credit include the cost of purchasing equipment and the labor cost associated with installing such conversion equipment.
(ii) A credit shall be allowed against the tax imposed by this chapter on an owner of a facility in an amount equal to 40 per cent of the cost of constructing any facility in Massachusetts, available to the public where feasible, for fueling alternative vehicles. Facility costs eligible for a credit under this paragraph include the cost of purchasing fueling equipment, charging equipment and other materials necessary for the facility to fuel alternative fuel vehicles and the labor costs associated with constructing the facility and installing such equipment. This credit shall be claimed in the first taxable year in which the facility becomes operational.
(3) No credits shall he allotted under this subsection for the purchase of alternative fuel vehicles purchased in accordance with the Energy Policy Act of 1992.
(4) The allowable credits under this subsection shall not exceed $5,000 per vehicle or $50,000 for a single alternative fuel facility or $100,000 for a facility dispensing multiple alternative fuels.
(5) In any year in which the credit described in this subsection exceeds the total tax liability under this chapter before any other credits are taken into account, the unused credit may be carried forward and used against the tax liability for one or more of the succeeding five tax periods.
(6) The credit allowed herein shall apply to taxes due for taxable periods beginning on or after January 1, 1998 and ending on or before December 31, 2004. Such credits, except for unused amounts of credits carried forward pursuant to subpart (5) shall not apply after taxable periods beginning on or after January 1, 2005.
(7) For the period of time this credit is allowed, the commissioner shall provide to the department of environmental protection the following information as it becomes available:
(I) number of taxpayers claiming the credit;
(ii) total dollars of credit claimed;
(iii) the total number of alternative fuel vehicles for which credit is claimed and the type of fuel that each vehicle is designed to use.
(8) The commissioner shall promulgate rules and regulations necessary to implement the provisions of this section."; By inserting after section 48 the following three sections:—
"SECTION 48A. Chapter 63 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding after section 38 the following section:—
Section 38Q. A corporation subject to tax pursuant to this chapter shall be allowed a credit against such tax as allowed under subsection (h) of section 6 of chapter 62 provided that:
(1) if a corporation is subject to a minimum excise under any provision of this chapter, the amount of the credit allowed by this section shall not reduce the excise to an amount less than the minimum excise;
(2) the credit allowed under this subsection shall be subject to section 32C; and
(3) any corporation entitled to a credit pursuant to this section for any taxable year shall apply such credit to its excise for any of the eligible taxable years Such credit may not be applied against the excise liability of any other corporation pursuant to an election under the provisions of section 32B.
(4) Any corporation entitled to the credit allowed by this section may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, as reduced from year to year, of its credit which exceeds its excise for the taxable year.
(5) For the period of time this credit is allowed, the commissioner shall provide to the department of environmental protection, the following information as it becomes available:
(I) number of taxpayers claiming the credit;

(ii) total dollars of credit claimed;
(iii) the total number of alternative fuel vehicles for which credit is claimed and the type of fuel that each vehicle is designed to use.
(6) The commissioner shall promulgate rules and regulations necessary to implement the provisions of this section.
SECTION 48B. Section 4 of chapter 64E of the General Laws, as so appearing, is hereby amended by adding the following two sentences:— No person shall pay excise pursuant to this chapter for alternative fuel, as designated by the department of environmental protection, when the alternative fuel is dispensed into an alternative fuel vehicle. The exemptions of this paragraph shall not apply to any such sales made after December 31, 2003.
SECTION 48C. Section 3 of chapter 64F of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following two sentences:— No person shall pay an excise pursuant to this chapter for the privilege of using highways of the commonwealth while operating an alternative fuel vehicle, as designated by the department of environmental protection The exemptions provided in this paragraph shall not apply to any such sales made after December 31, 2003."; and by inserting after section 206 the following section:— "SECTION 206A. The department of revenue shall study the costs associated with implementing the provisions of sections 42A, 48A, 48B and 48C; provided further, that said department shall report, in writing, the results of said study together with its recommendations, if any, by filing the same with the senate and house committees on ways and means and the joint committee on taxation not later than May 1, 1999."
The amendment was *rejected.*
Mr. Knapik moved to amend the bill by inserting after section 48 the following two sections:—
"SECTION 48A. Section 6 of chapter 64H of the General Laws, as amended by section 73 of chapter 164 of the acts of 1997, is hereby further amended by adding the following two paragraphs:—
(RR) Sales of repair or replacement parts exclusively for use in aircraft leased by a certified air carrier or an aircraft having a maximum certificated takeoff weight of 6,000 pounds or more or the significant overhauling or rebuilding of aircraft or aircraft parts or components on a factory basis.
(SS) Sales of aircraft having a maximum certificated takeoff weight of 6,000 pounds or more.
'Certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.
SECTION 48B. Section 7 of chapter 64I of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following two paragraphs:—
(d) Storage of repair or replacement parts exclusively for use in aircraft leased by a certified air carrier or aircraft having a maximum certificated takeoff weight of 6,000 pounds or more or in the significant overhauling or rebuilding of aircraft or aircraft parts or components on a factory basis.
(e) Storage of aircraft having a maximum certificated takeoff weight of 6,000 pounds or more.
'Certificated takeoff weight' shall mean the maximum such weight contained in the type certificate or airworthiness certificate."
The amendment was *rejected.*
Mr. Knapik moved to amend the bill by inserting after section 13 the following section:—
"SECTION 13A. Section 35G of chapter 10 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:— All revenues credited under this section shall remain in said Motorcycle Safety Fund, subject to appropriation, to administer a motorcycle safety program that shall include, but not be limited to, funding motorcycle safety foundation approved rider education courses and instructor training, as well as public awareness efforts. The state treasurer shall not deposit said revenues in or transfer said revenues to the General Fund or any other fund other than the Motorcycle Safety Fund. The motorcycle safety program shall be administered by the executive director of the governor's highway safety bureau under the direction of the secretary of the executive office of public safety. Said bureau shall maintain a policy manual for the program that shall provide minimum requirements for instructors and businesses that offer approved rider education courses in the commonwealth."; by inserting after section 52 the following section:—
"SECTION 52A. Section 8B of chapter 90 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 27, the words fifteen of chapter twenty-two' and inserting in place thereof the following words:— 35G of chapter 10'."; and by inserting after section 53 the following section:—
"SECTION 53A. Section 113B of chapter 175 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 111 and 112, the words fifteen of chapter twenty-two' and inserting in place thereof the following words:— 35G of chapter 10'."
The amendment was *rejected*.
Mr. Knapik moved to amend the bill by inserting after section 66 the following section:—
"SECTION 66A. Section 71I of chapter 151A of the General Laws, as appearing in section 119 of chapter 164 of the acts of 1997, is hereby amended by inserting after the words generation facility as electric company', each time they appear, the following words:— Massachusetts Municipal Wholesale Electric Company'.
SECTION 66B. Clause (I) of paragraph (2) of subsection (b) of section 16 of chapter 151A of the General Laws, as appearing in section 193 of chapter 164 of the acts of 1997, is hereby amended by inserting after the words electric utilities', the following words:— or the Massachusetts Municipal Wholesale Electric Company'."; and by adding the following section:—
"SECTION . The provisions of sections 66A and 66B shall be in effect until such time as the provisions of section 334 of chapter 164 of the acts of 1997 have been carried out."
The amendment was *rejected*.
Mr. Knapik moved to amend the bill by inserting after section 14 the following section:—

"SECTION 14A. Subsection (g) of section 54 of chapter 15 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Funds provided pursuant to this section shall not be used to provide services to (1) recipients of transitional aid to families with dependent children nor, (2) persons whose receipt of such transitional aid to families with dependent children ceased as a result of having become employed, provided that said funds provided pursuant to this section may be used to provide services to such persons after the first year of such employment."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by adding the following section:—

"SECTION . Notwithstanding the provisions of any general or special law to the contrary, the adjutant general of the Massachusetts national guard is authorized and directed to promulgate rules and regulations governing the application procedure and development of, military honor guards for burial services of Massachusetts residents who are veterans of the active or reserve armed forces of the United States of America or veterans of the Massachusetts army or air guard whenever such services are requested by funeral directors through the veterans agent where the deceased veteran resides or by request of the commissioner of veteran services."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by inserting after section 41 the following section:—

"SECTION 41A. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sub-paragraph:—

(12) An amount equal to the costs expended for any commercial gun safes or trigger lock devices."; and by inserting after section 48 the following section:—

"SECTION 48A. Section 6 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:— Sales of commercial gun safes and trigger lock devices."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by adding at the end thereof the following section:—

"Section . In order to preserve and protect the environmental quality of certain land located in town of Douglas, the following land described below is hereby designated an area of critical environmental concern as that term is defined in paragraph 7 of section 2 of chapter 21A of the General laws, and the regulations promulgated thereunder: Commencing at the intersection of Route 16 and the Town line separating the Towns of Douglas and Webster; thence easterly along the northerly line of Route 16 to the intersection of Route 16 and Cedar Street; thence northerly along Cedar Street to the intersection of Cedar Street and Wallis Street; thence easterly along Wallis Street to the intersection of Wallis Street and Northwest Main Street; thence northerly and northwesterly generally along Northwest Main Street to the Ridge Trail (but also including the land north of Northwest Main Street that is within a half mile radius from a groundwater well located adjacent to Northwest Main Street and the Whitin Reservoir); thence northerly and westerly along the northerly boundary of the Douglas State Forest until the intersection of the Douglas State Forest and the northerly branch of the Coopertown Brook; thence westerly along the northerly water line of the Coopertown Brook until its intersection with the town line separating Webster and Douglas; thence southerly along the town line to the place of commencement.

The department of environmental management shall prepare and maintain on file a map displaying the boundaries of the area of critical environmental concern designated by this section. The department of environmental management may, but is not required to, perform a land survey prior to preparing the map."

The amendment was *rejected.*

Mr. Moore moved to amend the bill by adding the following section:—

"SECTION . In order to preserve and protect the environmental quality of certain land located in the town of Douglas, the following land described below is hereby designated an area of critical environmental concern as that term is defined in paragraph 7 of section 2 of chapter 21A of the General Laws, and the regulations promulgated thereunder: Commencing at the intersection of Route 16 and the Town line separating the Towns of Douglas and Webster; thence easterly along the northerly line of Route 16 to the intersection of Route 16 and Cedar Street; thence northerly along Cedar Street to the intersection of Cedar Street and Wallis Street; thence easterly along Wallis Street to the intersection of Wallis Street and Northwest Main Street; thence northerly and northwesterly generally along Northwest Main Street to the Ridge Trail (but also including the land north of Northwest Main Street that is within a half mile radius from a groundwater well located adjacent to Northwest Main Street and the Whitin Reservoir); thence northerly and westerly along the northerly boundary of the Douglas State Forest until the intersection of the Douglas State Forest and the northerly branch of the Coopertown Brook; thence westerly along the northerly water line of the Coopertown Brook until its intersection with the town line separating Webster and Douglas; thence southerly along the town line to the place of commencement.

The department of environmental management shall prepare and maintain on file a map displaying the boundaries of the area of critical environmental concern designated by this section. The department of environmental management may, but is not required to, perform a land survey prior to preparing the map."

The amendment was *rejected.*

Mr. Tarr moved to amend the bill by adding the following section:—

"SECTION . The executive director of the Massachusetts bay transportation authority, the MBTA so-called, is hereby directed and authorized to develop and issue requests for proposals for the naming or renaming of any current or future MBTA station; provided, that each such proposal shall require the current name to be retained as part of the new name; provided further, that a copy of such proposals shall be forwarded to the joint committee on transportation and the house and senate committees on ways

and means; and provided further, any money derived from the successful award of any contract pursuant to these requests for proposals shall be utilized to proportionately reduce, in fiscal year 2000, and any fiscal year thereafter, the local assessments on the so-called fringe communities' including the following: Ashland, Cohasset, Dover, Duxbury, Hanover, Lynnfield, Marshfield, Medfield, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland, and Wenham."

The amendment was *rejected.*

Mr. Tarr moved to amend the bill by adding the following section:—

"SECTION 226. Notwithstanding any general or special law to the contrary, no train or engine shall be permitted to remain on the tracks in the town of Ipswich overnight except in cases of emergency or with the written consent of the board of selectmen of said town."

The amendment was *rejected.*

Mr. Tarr moved to amend the bill by adding the following section:—

"SECTION 226. Notwithstanding any general or special law to the contrary, any taxpayer who obtained an automatic extension of time to file his 1996 Massachusetts income tax return, pursuant to section 19 of chapter 62C of the General Laws, and who shall be reporting gain or loss from the sale or exchange of capital assets pursuant to the provisions of chapter 62 of the General Laws, as appearing in the 1996 Official Edition, shall be allowed an automatic additional extension up to and including December 31, 1998 to file such return.

For purposes of this section, the commissioner may require the taxpayer to file additional forms or to provide additional information as he deems to be reasonably necessary."

The amendment was *rejected.*

Messrs. Tarr and Amorello moved to amend the bill by adding the following section:—

"SECTION . The department of public health is hereby authorized and directed to conduct a study and file a report on a program of prescription drug coverage for uninsured or underinsured individuals undergoing treatments for life threatening or terminal diseases. Said report shall include, but not be limited to: the amount of state spending proposed, a statement of reasons in support of said amount, and efforts to be undertaken by said department to establish and increase alternative sources of funding. Said report shall be filed with the general court not later than December 31, 1998."

The amendment was *rejected.*

Mr. Tarr moved to amend the bill by adding the following section:—

"SECTION . There is hereby established a special commission on expenditures by the commonwealth for snow and ice operations comprised of four members of the house, three of which are to be appointed by the speaker of the house and one of which is to be appointed by the house minority leader, three members of the senate, two of which are to be appointed by the president of the senate and one of which is to be appointed by the senate minority leader, the secretary of administration and finance or his designee, and the commissioner of the Massachusetts highway department or his designee. The commission will be charged with conducting an analysis and review of the process for making appropriations and supplemental appropriations with regard to snow and ice operations in the commonwealth and making recommendations for improvements in the policies and procedures currently utilized with the goal of ensuring more timely payment to vendors and contractors utilized by the commonwealth in snow and ice operations. The commission shall hold its first meeting not later than September 30, 1998 and file a report with recommendations with the clerk of the house, clerk of the senate and the senate and house committees on ways and means not later than March 1, 1999."

The amendment was *rejected.*

Messrs. Tarr and Tisei moved to amend the bill by adding the following section:—

"SECTION . The executive director of the Massachusetts bay transportation authority, the MBTA so-called, is hereby directed and authorized to develop and issue requests for proposals for the naming or renaming of any current or future MBTA station; provided however that each such proposal shall require the current name to be retained as part of the new name; provided that a copy of such proposals shall be forwarded to the joint committee on transportation and the house and senate committees on way and means; provided, that any money derived from the successful award of any contract pursuant to these requests for proposals shall be utilized to proportionately reduce, in fiscal year 2000, and any fiscal year thereafter, the local assessments on so-called fringe communities' including the following: Ashland, Cohasset, Dover, Duxbury, Hanover, Lynnfield, Marshfield, Medfield, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland, and Wenham."

The amendment was *rejected.*

Messrs. Tarr and Tisei moved to amend the bill by adding the following section:—

"SECTION . In the year 1999 the local Massachusetts bay transportation authority assessments on the so-called fringe communities,' including the following: Ashland, Cohasset, Dover, Duxbury, Hanover, Lynnfield, Marshfield, Medfield, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland, and Wenham, shall be 95 per cent of the amount that was assessed in fiscal year 1998; provided that subsequent MBTA assessments to local communities shall be determined in accordance with any General Law assessment schedule identified and established by the MBTA Forward Funding Initiative so-called."

The amendment was *rejected.*

Mr. Tarr moved to amend the bill by adding the following section:—

"SECTION . Notwithstanding any general or special law to the contrary, personnel employed by the Essex Agricultural & Technical Institute prior to the effective date of this act shall continue to serve without reduction in compensation, accrued sick

leave, vacation, or retirement rights pursuant to this section. They shall maintain all existing rights to union representation and shall suffer no impairment of any existing rights or benefits.
Employees of Essex Agricultural & Technical Institute who lose seniority rights because they are transferred outside of their bargaining unit shall be sheltered from layoffs for a transition period of six years. During that transition period, those transferred employees may apply an additional five years to their age or years of service when applying for retirement in their respective state retirement systems.
The provisions of this section shall not be interpreted so as to prevent any employee from dismissal for cause in the manner provided by law."
The amendment was *rejected.*
Mr. Tarr moved to amend the bill by adding the following section:—
"SECTION . The Essex Agricultural and Technical Institute is hereby authorized and directed to implement and conduct a pilot program for the purpose of instructing individuals and preparing them to receive a commercial drivers license, Class B, in conjunction with the registry of motor vehicles and department of education."
The amendment was *rejected.*
Mr. Tarr moved to amend the bill by adding the following section:—
"SECTION . The commission shall develop an Essex heritage historical and open space preservation program. Said commission shall make grants from funds the Essex Heritage Historical and Open Space Preservation Fund under the provisions of section 64 of chapter 10 to organizations seeking to preserve historic properties or open space under the following conditions:
(a) organization must make written application;
(b) application shall identify project and proposed work;
organization must be owner of historic property and/or open space designated in the application, or a city or town attempting to purchase open space;
(d) no grant shall exceed one hundred thousand dollars.
Awards shall be by vote of the commission and grantee may receive support service from other federal, state or local grant agencies and/or private sector organizations."; by inserting after section 14 the following section:—
"SECTION 14A. Chapter 10 of the General Laws is hereby amended by adding the following section:—
Section 64. There is hereby established on the books of the commonwealth the Essex Heritage Historical and Open Space Preservation Fund. Said fund shall consist of monies paid to the commonwealth for the Essex Heritage Historical and Open Space emblem plates under the provisions of section two of chapter ninety. The state treasurer shall be custodian of said fund and shall receive, deposit, and invest all monies transmitted to him under the provisions of this section and shall credit interest and earnings on said fund to said fund. The state treasurer shall make such monies available to the Massachusetts Historical Commission for the purpose of its Essex Heritage Historical and Open Space Preservation Program under the provisions of section 27D of chapter 9"; and by inserting after section 52 the following section:—
"SECTION 52A. Section 2 of chapter 90 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the eighth paragraph the following paragraph:—
The registrar shall make available to owners of private passenger motor vehicles distinctive plates which shall display on the face an emblem representative of the Essex Heritage District. There shall be a $40 fee for said plate in addition to the established registration fee for passenger motor vehicles, that portion of said fee remaining after the deduction of cost directly attributable to the Essex Heritage Historical and Open Space Preservation Fund established under the provisions of section 64 of chapter 10."
The amendment was *rejected.*
Mr. Tarr moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of any general or special law to the contrary, the commonwealth hereby exercises with respect to all individuals domiciled within the commonwealth the option available to the state under section 115(d)(1)(A) of Public Law 104-193 of 1996; provided, that benefits authorized under Public Law 104-193 shall not be provided to any individual who fails without good cause, as determined by the department, to comply with the terms of his sentence, parole or probation."
The amendment was *rejected.*
Mr. Amorello moved to amend the bill by inserting after section 19 the following section:—
"SECTION 19a. Chapter 18 of the General Laws is hereby amended by striking out section 5D, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:—
Section 5D. Any vendor procuring a payment under any assistance program administered by the department who violates any of the provisions of section 5B or sections 40 to 46, inclusive, of chapter 118E shall be ineligible to participate further in the program for a period of ten years next subsequent to the date of conviction for said violation, and the department shall notify the appropriate board of registration or licensing agency of said conviction for said violation and the board of registration or licensing agency shall revoke the license of said vendor; provided, however, that a vendor shall not be considered in violation of said section 5B or said sections 40 to 46, inclusive, upon submission of proof, to the satisfaction of the commissioner, that such violation was due solely to a clerical or administrative error.
Upon a conviction for said violation the court shall, in addition to any other punishment, order said vendor to pay to any individual, agency or institution which provided information to the department which led to said conviction the sum of $2,500."
The amendment was *rejected.*
Mr. Moore moved to amend the bill by inserting after section 54 the following section:—
"SECTION 54A. Section 151A of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the tenth

paragraph and inserting in place thereof the following paragraph:—
No facility shall be established, constructed, expanded, maintained, operated or devoted to any past closure as defined by regulation, unless detailed operating plans, specifications, a public health report, if any, and necessary environmental reports have been submitted to the department and said department has granted a permit for the facility, and notice of such permit is recorded in the registry of deeds or, if the land affected thereby is registered land, in the registry section of the land court for the district wherein the land lies. Within one hundred twenty days after said department is satisfied that such operating plans, specifications and reports are complete, said department shall make a decision granting or refusing such permit; provided, however, that notwithstanding the provisions of any general or special law to the contrary, the department of environmental protection shall not issue a permit to construct a facility within any area of critical environmental concern in all instances in which such area of critical environmental concern has been designated prior to the actual issuance of a final permit to construct a facility by said department of environmental protection. Said permit may limit or prohibit the disposal of particular types of solid waste at a facility in order to extend the useful life of the facility or reduce its environmental impact."
The amendment was *rejected*.
Messrs. Moore Creedon, Brewer, Berry, Hedlund, Pacheco, Ms. Walsh and Messrs. Montigny and Amorello moved to amend the bill by inserting after section 91 the following section:—
"SECTION 91A. Section 130A of chapter 412 of the acts of 1991 is hereby amended by adding the following paragraph:—
Those members of the uniformed branch of the department of state police who were mandatorily retired at age 50, prior to the effective date of this act and, in accordance with the prevailing law relative to the retirement of members of said state police at the time of such retirement, but who were between the ages of 50 and 55 on July 1, 1992 shall be deemed to have continued employment at the rank held on the date of their mandatory retirement and shall be entitled to an adjustment in the retirement allowance payable to them which shall be calculated in accordance with the provisions of this act as if they had been mandatorily retired at age 55 under the provisions of this act."
The amendment was *rejected*.
Mr. Moore and Ms. Walsh moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. Notwithstanding the provisions of section 135 of chapter 697 of the acts of 1987, the provisions of the first paragraph of option C of subdivision (2) of section 12 of chapter 32 of the General Laws shall apply to benefits received pursuant to applications for such benefits, allowances or other payments made prior to January 12, 1998. The provisions of this section shall be prospective from the effective date of this act and shall not entitle any member to any retroactive benefits. This section shall take effect in a city, town, county, district or authority system by majority vote of the board of such system subject to the approval of the legislative body. For the purposes of this section, legislative body' shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a district, the district members and in the case of an authority, the governing body."
The amendment was *rejected*.
Mr. Moore moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after section 90C the following two sections:—
Section 90C½. Any state employee or member of the state teacher's retirement system who has been retired under the provisions of this chapter or similar provision of earlier law on a superannuation, accidental disability or ordinary disability retirement allowance and who has completed at least 25 years of creditable service shall have his retirement allowance increased to an amount not to exceed $10,000; provided, however, that such allowance shall be subject to the provisions of subsection (e) of section 102.
Section 90C¾. Any retirement system of a city, town, county, region, district or authority may, upon the majority vote of the board of such system and by the local legislative body, increase to an amount not to exceed $10,000 the retirement allowance for any member of the retirement system who has been retired under the provisions of this chapter or similar provision of earlier law on a superannuation, accidental disability or ordinary disability retirement allowance and who has completed at least 25 years of creditable service. For the purposes of this paragraph local legislative body' shall mean the city council subject to the provisions of its charter for a city system, a town meeting for a town system, the county retirement advisory council for a county system, the governing body of a regional system, the district members for a district system and the governing body of an authority for an authority system."
The amendment was *rejected*.
Messrs. Moore and Keating moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Section 28K of chapter 32 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— Such service, prior to January 1, 1992, shall be credited to such employee whose retirement board has voted to accept this further provision of this section."
The amendment was *rejected*.
Messrs. Tisei, Lees, Amorello, Knapik, Rauschenbach, Hedlund and Tarr moved to amend the bill by inserting after section 50 the following section:—
"SECTION 50A. Chapter 71 of the General Laws is hereby amended by striking out section 83, as so appearing, and inserting in place thereof the following section:—
Section 83. School officials shall not abridge the rights of students as to personal dress and appearance except if such officials: a) determine that such personal dress and appearance violates reasonable standards of health, safety and cleanliness; or b) are acting in accordance with a code of personal dress and appearance as authorized by the school committee of the city, town or regional

school district after reasonable consultation with the school council of such city, town or regional school district."
The amendment was *rejected*.
As previously stated the above amendments were considered as one and *rejected*.

There being no objection, the following amendments were considered as one and adopted, to wit:
Mr. Clancy moved to amend the bill by inserting after section 5 the following section:—
"SECTION 5A. Item 2000-6966 of section 2 of chapter 28 of the acts of 1996 is hereby amended by adding the following two provisos:— ; provided further, that not more than $170,000 shall be expended for repairs to a certain fish pier in the town of Swampscott; and provided further, that of said total costs of the repairs, 75 per cent shall be borne by the state and 25 per cent shall be borne by the town of Swampscott'.".
The amendment was adopted.
Messrs. Lees and Travaglini moved to amend the bill by inserting after section 57 the following section:—
"SECTION 57A. Subsection of section 47C of chapter 164 of the General Laws, as appearing in section 197 of chapter 164 of the acts of 1997, is hereby amended by striking out the following words:— ; provided, however, that no such cooperative organized pursuant to this section shall be associated or create a partnership with the corporation established pursuant to chapter 775 of the acts of 1975; and provided, further, that said corporation established pursuant to said chapter 775 shall not be allowed to participate in any activity or have an ownership share in any cooperative formed pursuant to this section'."
The amendment was adopted.
Messrs. Pacheco and Joyce moved to amend the bill by adding the following section:—
"SECTION 215. Following the release of the mandated board of education study concerning the average cost per student in charter schools mandated in chapter 46 of the acts of 1997, the state auditor shall analyze and comment upon said study. Said analysis and recommendations shall be filed as a report with the house and senate committees on ways and means, the executive office of administration and finance and the joint committee on education, arts and humanities not later than two months after the release of said study."
The amendment was adopted.
Mr. Shannon moved to amend the bill by adding the following section:—
"SECTION 218. The department of environmental protection, in consultation with the executive office of administration and finance, the Water Pollution Abatement Trust, and the department of housing and community development, is hereby directed to conduct a study of potential financial assistance programs, including, but not limited to, a Title V betterment program, relating to the costs of bringing sewage disposal systems serving manufactured housing communities into compliance with 310 CMR 15.00. Said report shall be submitted to the house and senate committees on ways and means no later than October 31, 1998."
The amendment was adopted.
Mr. Magnani moved to amend the bill by adding the following section:—
"SECTION 219. The Massachusetts Bay Transportation Authority shall prepare a study on the feasibility of providing additional commuter rail and bus transportation services to facilitate reverse commuting services', so-called. Said study shall include, but not be limited to, the following: 1) demand for additional commuter rail services that provide transportation from Boston during both morning and evening rush hour commutes to stations on commuter rail lines; 2) additional bus services and routes needed to provide north and south connecting services between commuter rail stations located in municipalities along the route 128 and route 495 corridor and the demand for said services; 3) whether said services assist businesses and industries with the recruitment and retention of employees; and 4) the impact of said services on traffic management and congestion. Said study shall be filed with the clerks of the house and senate and with the joint committee on transportation no later than December 1, 1998."
The amendment was adopted.
Mr. Berry and Ms. Murray moved to amend the bill by adding the following section:—
"SECTION 220. The department of mental retardation, the disabled persons commission, the department of mental health and the Massachusetts rehabilitation commission shall each submit a report to the chairpersons of the senate and house committees on ways and means, on June 30, 1999, which describes the status of the changes made to the process of conducting investigations into allegations of abuse or neglect of persons with disabilities as recommended by the investigations advisory panel for the department of mental retardation in its April 1998 report."
The amendment was adopted.
Messrs. Keating and Shannon moved to amend the bill by inserting after section 54 the following two sections:—
"SECTION 54A. Section 6A of chapter 115, as amended by section 84 of chapter 43 of the acts of 1997, is hereby further amended by striking out the words who was a resident of the commonwealth at the time of his entry into such service'.
SECTION 54B. Said 6A of said chapter 115, as so appearing, is hereby further amended by striking out the words has continued to be' and inserting in place thereof the following word:— is'."
The amendment was adopted.
Mr. Brewer moved to amend the bill inserting after section 30 the following section:—
"SECTION 30A. Paragraph (9) of section 5 of chapter 32 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 100, the words for a term of years'."
The amendment was adopted.
Mr. Morrissey and Ms. Murray moved to amend the bill by adding the following section:—
"SECTION 221. There is hereby established a special commission to study the feasibility of Quincy College's becoming part of the state system of community colleges by consolidation, merger, affiliation or the establishment of a special charter relationship.

The commission shall consist of not more than eleven members, of whom one shall be the chancellor of the Board of Higher Education or a designee, one shall be the president of Quincy College or a designee, one shall be the chairman of the Board of Quincy College or a designee, and eight members appointed by the governor, of whom one shall be the chairman of the board of a community college that may be affected by said merger or affiliation or a designee, two of whom shall be representatives of collective bargaining unit, one of whom shall represent Quincy College faculty, one of whom shall be a member of the community college faculty system affected by said merger or affiliation, and one of whom shall represent the Massachusetts Teachers Association. Said commission shall file a report of its findings with the board of higher education not later than February 1, 1999."

The amendment was adopted.

Mr. Durand moved to amend the bill by inserting after section 19 the following section:—

"SECTION 19A. Section 17A of chapter 21 of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words rotate annually among' and inserting in place thereof the following words:— be by vote of'.

SECTION 19B. Said section 17A of said chapter 21, as so appearing, is hereby further amended by striking out, in line 12, the word location' and inserting in place thereof the following words:— trail or path'.

SECTION 19C. Said section 17A of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 38 and 39, the words snowmobiles and other safety, rescue and patrol equipment appropriate for winter use,' and inserting in place thereof the following words:— safety, rescue, patrol and maintenance equipment'."

The amendment was adopted.

Ms. Jacques moved to amend the bill by inserting after section 185 the following section:—

"SECTION 185A. The board of higher education is hereby authorized and directed to conduct a study of the establishment of a full-time satellite campus of a public college or university within the city of Attleboro. Said study shall include an analysis of the economic benefits to said city of Attleboro and the greater Attleboro region, the costs of establishing and maintaining a full-time satellite campus, including the costs of building acquisition and/or construction, and the unmet need for educational services within the greater Attleboro region. The board of higher education shall file the results of said study, along with any recommendations for legislation, with the clerk of the house of representatives, the clerk of the senate, the house and senate committees on ways and means, the senate committee on post audit and oversight, and the governor not later than December 31, 1998."

The amendment was adopted.

Ms. Walsh moved to amend the bill by inserting after section 60 the following sections:—

"SECTION 60A. Section 55B of chapter 119 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 14, the words section fifty-seven of chapter one hundred and nineteen' and inserting in place thereof the following words:— section 57; provided, however, that a complaint alleging a child a delinquent child by reason of having violated the provisions of section 13B, section 22A or section 23 of chapter 265 shall not be placed on file or continued without a finding.

SECTION 60B. Section 58 of said chapter 119, as so appearing, is hereby amended by inserting after the word birthday', in line 10, the following words:— and provided further, complaint alleging a child delinquent child by reason of having violated the provisions of section 13B, section 22A or section 23 of chapter 265 shall not be placed on file or continued without a finding'."; and by inserting after section 87N (inserted by amendment) the following three sections:—

"SECTION 87O. Section 13B of chapter 265 of the General Laws, as so appearing, is hereby amended by inserting, after the word years', in line 6, the following words:— provided, however, that a prosecution commenced under the provisions of this section shall not be placed on file or continued without a finding'.

SECTION 87P. Section 22A of said chapter 265, as so appearing, is hereby amended by inserting after the word years', in line 7, the second time it appears, the following words:— provided, however, that a prosecution commenced under the provisions of this section shall not be placed on file to continued without a finding'.

SECTION 87Q. Section 23 of said chapter 265, as so appearing, is hereby amended by inserting after the word years', in line 7, the second time it appears, the following words:— provided, however, that a prosecution commenced under the provisions of this section shall not be placed on file or continued without a finding'."

The amendment was adopted.

Ms. Walsh and Mr. Moore moved to amend the bill, in section 2, by inserting after item 1750-0111 the following item:—

"1750-0116	The human resources department is hereby authorized to expend an amount not to exceed $15,720 for the operation of the continuous testing program, from revenue collected from fees charged to participants in said program".

The amendment was adopted.

Ms. Walsh moved to amend the bill, in section 2, in item 4406-3000, by striking out the words $4,415,441 shall be expended for the PIP shelter in Worcester, the daybreak shelter in Lawrence, and the Long Island Shelter in Boston;', and inserting in place thereof the following words:— $5,878,498 shall be expended for the PIP shelter in Worcester, the daybreak shelter in Lawrence, and the Long Island Shelter in Boston, and the Long Island Annex in Boston;".

The amendment was adopted.

Mr. Hedlund moved to amend the bill by inserting after section 202A (inserted by amendment) the following section:—
"SECTION 202B. The commuter rail terminal, or South Weymouth Station, so-called, on the Kingston/Plymouth branch of the Old Colony Railroad which is owned and operated by the Massachusetts Bay transportation authority and is situated adjacent to Pleasant street, also known as route 18, in the southern portion of the town of Weymouth, shall be honorarily designated as the Doctor Gilbert Newton Lewis Memorial Station to preserve the memory of Doctor Gilbert Newton Lewis and his dedicated lifelong service to our nation in the area of scientific discovery, research and education through his efforts that included contributions to the development of the concept of a covalent bond as a pair of electrons, discovering practical applications of thermodynamics, performing numerous investigations into the theory of color, florescence and phosphorescence, formulating the Lewis theory of acids and bases, coining the term photon', advocating for Einstein's theory of relativity, serving as Dean of the College of Chemistry at the University of California at Berkeley, by his nomination for the Nobel prize in chemistry over 30 times, through his mentorship to Nobel laureates Doctor Melvin Calvin, Doctor Harold Urey and Doctor Glenn Seaborg, through his contributions to the fields of economics, history and archeology, by receiving the United States Distinguished Service Medal and the Chevalier Legion of Honor from France for reducing poison gas deaths during World War I and also because of his posthumous recognition by senate president Thomas F. Birmingham who described Lewis as a true symbol of Massachusetts' on October 6, 1997, and from earning similar praise from a number of other distinguished academic scholars, Nobel laureates and leading scientists. A suitable marker bearing this designation shall be attached permanently at the platform of the South Weymouth Station, so-called, by the Massachusetts bay transportation authority in compliance with the standard of said authority no later than December 31, 1998."
The amendment was adopted.
Messrs. Rauschenbach and Montigny moved to amend the bill by inserting after section 195 the following section:—
"SECTION 195A. Notwithstanding any law or regulation to the contrary, there is hereby established a special commission for the purpose of making an investigation relative to the issues involved with physician practice management groups, so called, and the affect that such groups have on the access to and quality of health care in the commonwealth. Said commission shall consist of two members of the senate, one of whom shall be the senate chair of the joint committee on health care and the other a member of the minority party, two members of the house of representatives, one of whom shall be the house chair of the joint committee on health care and the other a member of the minority party, and ten persons to be appointed by the governor, one of whom shall be the president of the Massachusetts Hospital Association, one of whom shall be the dean of the Boston University School of Public Health, one of whom shall be the dean of the University of Massachusetts School of Public Health, one of whom shall be the president of the Massachusetts Medical Society, one of whom shall be a representative from the Associated Industries of Massachusetts, one of whom shall be the president of the Massachusetts Council of Community Hospitals, one of whom shall be the president of Boston Health and Hospitals, one of whom shall be the executive director of the Massachusetts League of Neighborhood Community Health Centers, a representative from the Ad-Hoc Committee to Defend Health Care, and one of whom shall be the executive director from Health Care For All.
Said commission shall be jointly chaired by the senate chair of the joint committee on health care, the house chair of the joint committee on health care and the secretary of administration and finance. The commission shall adopt such rules and establish such procedures, as it considers necessary for the conduct of its business. The commission may expend such funds as may be appropriated or made available therefor. No action of the commission shall be considered official unless approved by a majority vote of the commission.
The commission shall have the following responsibilities and duties:
(a) To examine existing rules and regulations relative to physician practice management groups and their standing in the Commonwealth.
(b) To study the organizational structure, management contracts and financial incentives as well as their involvement with and impact on health centers and the so-called walk in clinics in the Commonwealth.
Examine the impact of the purchase and sale of such groups by non-profit entities from non-profit entities, from non-profit entities to for-profit entities as well as from for-profit entities to other for-profit entities.
The Commission will report its findings, along with draft legislation, to the house and senate committees on ways and means within 90 days of the effective date of this act."
The amendment was adopted.
Ms. Walsh moved to amend the bill by inserting after section 83 the following section:—
"SECTION 83A. Section 57 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word department', in line 22, the following words:— the Chelsea division of the district court department.' "
The amendment was adopted.
Messrs. Lynch, Panagiotakos, Lees, Joyce, Ms. Pines, Messrs. Shannon, Hedlund, Tolman and Ms. Murray moved to amend the bill by inserting after section 67B (inserted by amendment) the following section:—
"SECTION 67C. The first section of subsection (b) of section 1E of chapter 164 of the General Laws, inserted by section 193 of chapter 164 of the acts of 1997, is hereby amended by striking out the following words:— after the effective date of this act.' "
The amendment was adopted.
Mr. Lees moved to amend the bill by inserting after section 89B (inserted by amendment) the following section:—
"SECTION 89C. Section 4 of chapter 775 of the acts of 1975 is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—
(a) Except as otherwise provided in this act, the powers of the corporation shall be exercised by a board of nine directors. The governor shall appoint two directors who shall serve at the pleasure of the governor. The member cities and towns shall elect

seven directors from among their respective managers of municipal lighting and members of their municipal light boards. Four of the elected seven directors shall be elected by the member cities and towns each of whom will have a vote which shall be given weight in the same proportion which its annual kilowatt hour sales, as most recently reported to the department under chapter 164 of the General Laws or as otherwise determined or estimated in accordance with the by-laws, bears to the total of such sales by all member cities and towns. Three of the elected seven directors shall be elected by the member cities and towns each of whom shall have one equal vote. Of the directors elected at the annual meeting in 1999, two of the four directors elected by weighted vote shall serve for a term of three years; two of the directors elected by weighted vote shall serve for a term of two years; one of the directors elected by equal vote shall serve for a term of three years; one of the directors elected by equal vote shall serve for a term of two years; and one of the directors elected by equal vote shall serve for a term of one year. Thereafter, all seven elected directors shall be elected as their respective terms expire in the manner prescribed in this section and each shall serve for a term of three years and until their successors are chosen and qualified. Such an elected director may be removed at any time by the member cities and towns with or without cause or for cause by the board. The member cities and towns shall elect a successor to fill any vacancy among the elected directors for their respective unexpired term. No vacancy in the membership of the board shall impair the right of a quorum to exercise the powers of the board. A majority of the full membership of the board shall constitute a quorum and a majority of such quorum shall be necessary for any action by the board. The directors shall not be entitled to compensation for their services as such, but they shall be reimbursed for actual expenses necessarily incurred in the performance of their duties."

The amendment was adopted.

Mr. Lees moved to amend the bill by adding the following section:—

"Section 222. Notwithstanding any special or general law to the contrary, all wireless service providers are prohibited from charging a fee for any 911 calls."

The amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 67C (inserted by amendment) the following section:—

"Section 67D. Section 113B of Chapter 175 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the thirteenth paragraph the following paragraph:—

The safe driver insurance plan made effective on January 1, 1998, and all later plans shall provide that individuals that have been incarcerated pursuant to a criminal conviction shall not be considered to have experience any incident-free period of driving during any period of incarceration of one year or more. In addition, said plans shall provide that, except as otherwise determined by the commissioner, any such period of incarceration shall be excluded from the five year period within which surchargeable incidents may be considered. In implementing the provisions of this paragraph, the commissioner, for the purposes of determining upward and downward premium adjustments, may adjust the surchargeable date of any surchargeable incident in any manner deemed appropriate, including adding any period of incarceration of one year or more to such surcharge date, and may consider surchargeable incidents with surcharge dates prior to the five year period immediately preceding the effective date of the policy. The commissioner of insurance and the secretary of public safety shall develop a system for providing the merit rating board the necessary information to adjust driving records for periods of incarceration in accordance with this paragraph and shall consider periods of incarceration in accordance with this paragraph and shall consider periods of incarceration in other jurisdictions to the extent practicable."

The amendment was adopted.

Mr. Nuciforo moved to amend the bill by inserting after section 96A (inserted by amendment) the following section:—

"SECTION 96B. Chapter 295 of the acts of 1996 is hereby amended by striking out sections 1 to 25, inclusive, and inserting in place thereof the following 21 sections:—

Section 1. The city of Pittsfield, by majority vote of its city counsel, may, subject to the provisions of this act, create a body corporate to be known as the Pittsfield Economic Development Authority, hereinafter call the Authority'.

Section 2. The purpose of the Authority shall be to acquire properties contaminated by oil or hazardous material, conduct response actions thereon, and construct, develop, maintain, lease, convey or otherwise transfer such property for the beneficial reuse or development of such property to promote economic development on behalf of its member communities. Said board, as defined in this act, acting for and on behalf of said Authority, may take by eminent domain under chapter 79 of the General Laws or acquire by purchase or otherwise, any disposal site, as defined by section 2 of chapter 21E of the General Laws, hereinafter referred to as 21E sites, or a portion thereof, and associated lands, properties, water rights, rights of ways, or this act; may conduct response actions pursuant to the requirements of said chapter 21E and regulations promulgated pursuant thereto; may construct. maintain or operate and lease such industrial or commercial facilities acquired by the Authority; may sell, by negotiation with the city of Pittsfield, or a private party, or at public auction, any property including land acquired by the Authority pursuant to this act and which in the Authority's opinion is no longer needed in the performance of the powers and duties conferred and imposed on it by this act; and may, from time to time, lease any property which in the Authority's opinion is not needed for the purposes of this act; and may do all other things proper or necessary for the purposes of this act; provided, however, that the Authority shall not take in fee any land of a railroad corporation, that it shall not enter upon or construct, maintain, or operate any industrial or commercial facility within the location as it may agree upon with such corporation, or, in the case of failure to agree, as approved by the department of telecommunications and energy.

Section 3. The Authority may enter into agreements to indemnify and hold harmless future owners or operators of properties acquired by the Authority pursuant to this act from and against liability pursuant to sections 4, 4A and 5 of chapter 21E of the General Laws with respect to any releases or threats of release of oil or hazardous material that first begin to occur before such owners or operators acquire ownership or possession of the property; provided, however, that such indemnification shall not

apply to any violation of or change to a restriction in use imposed on the property as part of a response action conducted by the Authority. Notwithstanding any provision of said chapter 21E to the contrary, such owner or operator who acquires ownership or possession of property from the Authority shall not be deemed an owner or operator for purposes of said chapter 21E with respect to any release or threat of release of oil or hazardous material that first began to occur at or from a site or vessel before the time that such owner or operator acquired ownership or possession provided, however, that: (1) such owner or operator is a bona fide new owner or operator and is not affiliated with any other person potentially liable for response costs or damages to natural resources caused by such release or threat through any direct or indirect familial relationship or any contractual, corporate or financial relationship other than that created by the instruments by which title to the property is conveyed or financed; (2) such owner or operator provides reasonable access to the site or vessel to employees, agents and contractors of the department of environmental protection to conduct response actions and to other persons intending to conduct response actions; and (3) such owner or operator does not violate or fail to comply with any restriction on future use of the site imposed pursuant to section 6 of said chapter 21E and regulations promulgated pursuant thereto. When such owner or operator is not an owner or operator pursuant to this definition, any person who owned or operated the site or vessel immediately prior to the Authority's acquisition of ownership or possession shall be deemed the owner or operator pursuant to said chapter 21E.

Notwithstanding any other provision of this definition, the Authority's tenants, subtenants or any other person using or acquiring a site from the owner may be deemed an owner or operator with respect to any release or threat of release that first begins to occur at or from a site or vessel after the time that the Authority takes ownership or possession of it for any purpose.

Section 4. (a) The Authority may enter into agreements with its response action contractors to indemnify and hold harmless its response action contractor against any liability for negligence, including legal fees and costs, if any, in an amount not to exceed a figure established by the indemnification agreement pursuant to the terms of this section. In no event shall the amount of indemnification to be provided under an indemnification agreement exceed two million dollars for a single occurrence involving the release or threat of release of oil or hazardous material. No indemnification shall be provided pursuant to an indemnification agreement under this section if the response action contractor fails to meet the standard of care which is the degree of care that a reasonable and diligent waste site cleanup professional licensed pursuant to sections 19 and 19J, inclusive, of chapter 21A shall exercise when rendering a waste site cleanup activity opinion pursuant to said sections 19 and 19J or if the action or omission which gives rise to the claim is not within the scope of the response action contract.

(b) The indemnification provided under this section shall apply only to response action contractor liability arising out of a release or threat of release of oil or hazardous material resulting from response actions conducted by the response action contractor pursuant to its response action contract.

Section 5. The Authority shall be authorized to take or arrange for necessary response actions as determined by reference to the Massachusetts contingency plan, as defined in section 3 of chapter 21E of the General Laws, or for response actions as determined in reference to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C.A. 9601 et seq., the Resource Conservation and Recovery Act 42 U.S.C.A. 6901 et seq., the Toxic Substances Control Act of 1976, 15 U.S.C.A. 2601 et seq., amended by 15 U.S.C.A. 2642 et seq., the Federal Water Pollution Control Act, 33 U.S.C.A. 1251 et seq., and the Clean Air Act, 42 U.S.C.A. 7401 et seq. The Authority shall be entitled to reimbursement from any other person liable for such release or threat of release for the reasonable costs of such response actions, including all litigation costs and attorney's fees. All claims for contribution, reimbursement or equitable share by the Authority pursuant to this section and chapter 21E of the General Laws shall be brought in accordance with the procedures set forth in section 11A of said chapter 21E.

The Authority may enter into agreements with prior owners or operators of a site or vessel or persons who may have otherwise caused or may be legally responsible for releases or threats of release of oil or hazardous material, to conduct or reimburse the Authority for the costs of response actions. In conducting any response action pursuant to the requirements of said chapter 21E and the regulations promulgated thereto, the authority shall not be exempt from any compliance or permit fees.

Section 6. In the event that a response action or portion of a response action conducted by the Authority includes a restriction on future use of the site pursuant to section 6 of chapter 21E and the regulations promulgated thereto, the authority shall have no liability or responsibility for any future or subsequent violation of such restriction or for any necessary and appropriate response action on account of use of the site by a future owner and operator contrary to the requirements of such restriction.

Section 7. Except as expressly provided by this section, the Authority shall not be deemed an owner' or operator' under the provisions of clauses (2) and (5) of paragraph (a) of section 5 of chapter 21E of the General Laws and shall be excluded from the definition of owner' or operator' with respect to releases and threats of release that first begin to occur before the Authority acquires ownership or possession of a site or vessel, provided that upon acquiring ownership or possession of a site or vessel, said Authority shall:

(1) provide notice to the department of environmental protection, immediately upon obtaining knowledge of release or threat of release of oil or hazardous material for which notification is required pursuant to, and in compliance with, section 7 of said chapter 21E or regulations promulgated pursuant thereto;

(2) provide reasonable access to the site or vessel to employees, agents, and contractors of said department to conduct response actions, if necessary, and to other persons intending to conduct necessary response actions;

(3) take or arrange for any and all response actions necessary and appropriate regarding releases or threats of release under said chapter 21E and any regulations promulgated pursuant thereto.

In the event that the department incurs response action costs in connection with any site acquired by the Authority, the Authority shall reimburse the department for such reasonable response actions costs.

Section 8. There is hereby created the Pittsfield economic development board, hereinafter called the board. The Authority shall be under the management and control of said board.

Section 9. The board may enter upon any land for the purpose of making surveys, environmental site assessments, test pits, or borings; and, for the carrying out of said purposes, may, by purchase or otherwise, temporarily occupy any lands or take property by eminent domain under chapter 79 of the General Laws.

Section 10. The Authority, by vote of the board, shall be authorized to issue from time to time, general obligation serial bonds or notes of the Authority to pay for the costs of capital outlays in connection with assessment, containment and removal activities at properties acquired by the Authority and in connection with the construction and operation of industrial and commercial facilities and such other works as may be required, including land damages and costs of demolition of existing structures on lands that may be required.

Said bonds shall be issued in such amount or amounts as the Authority acting by and through the board may determine and the Authority may refund any such bonds and notes. Such serial bonds and notes may be callable with or without premium and shall contain such terms and conditions, bear such rate or rates of issue, be sold in such a manner, at private or public sale, and mature in such times and in such amounts as the board shall determine, providing that each issue of such bonds and notes shall be payable in annual installments, the first of which shall be payable not later than two years after its date and the last of which will be payable not more than thirty years from said date.

If the board votes to issue serial bonds or notes, said board may authorize the issuance in the name of the Authority, of general obligation temporary notes for a period of not more than two years in anticipation of the money to be received from the sale of such serial bonds or notes. The time within which such serial notes or bonds are issued shall not be extended by reason of the making of such temporary loans beyond the time fixed in the order authorizing such temporary bonds or notes.

For the purpose of paying the expenses of operations, including without limitation, any principal or interest due or about to become due on any bond or note issued by the Authority in which funds are not available, the board in the name of the Authority shall be authorized to issue from time to time general obligation temporary notes of the Authority in anticipation of any revenues, gifts, grants or receipts from any public or private source.

Temporary notes in anticipation of any revenues, gifts, grants or receipts shall be payable not more than one year from their date, and shall not exceed in principal amount the amount of the reasonably known and measurable revenues, gifts, grants or receipts in anticipation of which they are issued.

Temporary notes issued under this section for a shorter period than the maximum permitted may be renewed by the issuance of other temporary notes maturing within the required period; provided, however, that the period from the date of issue of the original temporary note to the date of maturity of the renewal note shall not exceed the maximum period for which the original note may have been issued. Such temporary notes or renewal notes may be sold at discount or with interest payable at or before maturity.

Notes or bonds authorized by this section shall be signed by the treasurer of the board, as defined herein, and countersigned by the chairman of the board, as defined herein, and serial bonds and notes shall have the Authority's seal affixed. Section 16B of chapter 44 of the General Laws shall be applicable to such bonds and notes.

Section 11. The board shall annually determine the amount required for the payment of principal and interest on such bonds and notes issued or to be renewed by the Authority which shall be due during the ensuing calendar year, shall also determine such other amounts as may be necessary to maintain and operate the Authority during the said year including capital outlay items the cost of which is not to be funded and for all other matters for which the Authority is required to raise money, and, after determining such payments and amounts, shall promptly prepare a report which shall be provided to the mayor of Pittsfield.

Section 12. To meet the costs of construction, maintenance, and operation of the facilities authorized by this act, the Authority may file an application for, or accept and use any federal or state funds or grants; or any federal or state assistance, or both, provided therefor, under any federal or state law or funds from any other sources.

The Authority may also apply for, and receive contributions from, public or private funding sources for the establishment of a capitalized mitigation fund, to be used for the purpose of financing project costs, and administered as a revolving loan fund to the city of Pittsfield. Said contributions shall be reported in a yearly report of private contributions, to be prepared by the board, which shall, no later than February first of each year, submit a copy to the house and senate committees on ways and means, the state auditor, and to the chief executive and city council members of the city of Pittsfield. The Authority may expend funds from said capitalized mitigation fund on any project only after a majority vote of the board. The city of Pittsfield, receiving funding from said fund shall prepare a complete financial report detailing cost analysis and environmental impact.

Nothing in this section shall be interpreted as limiting the ability of the Authority to accept gifts, grants or contributions from any public, private or charitable source.

Section 13. No lands, rights of ways, or other easements, property, structures, or rights acquired by the Authority, as herein provided, and located in the city of Pittsfield, shall be assessed or taxed by the city of Pittsfield so long as such property is owned by the Authority, response actions are on-going and the property and improvements thereon are not in beneficial reuse by a third party as so determined in the judgement of the board. Following the completion same person. The treasurer shall give the board a bond payable to the Authority with a surety company authorized to transact business within the commonwealth and satisfactory to the board such surety in such sums as the board may prescribe and conditioned on the faithful performance of the duties of treasurer. The duties of the treasurer and the clerk shall be those usually pertaining to such offices and, in addition, such as may be from time to time prescribed by the board. The board may retain legal counsel for any and all appropriate purposes.

The director, with the approval of the board, shall from time to time appoint or employ such other experts, agents, officers, clerks, and other employees as deemed necessary and shall determine their duties. The salaries or compensation of all persons appointed or employed under authority of this section shall be determined by the board and together with other expenses shall be paid by the Authority and shall be considered a part of the expense of maintenance of the Authority. The board shall establish an

office within the city of Pittsfield in which its business may be conducted and in which plans, documents, records and other paper relating to its business, land and other works and properties shall be kept.
The Authority shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open at all times for inspection by the city of Pittsfield or by any officer or duly appointed agent of the commonwealth.
The board shall make a report each year of its activities for the preceding year and shall, prior to February 1, submit a copy of such report to the state auditor and to the city of Pittsfield. A copy of such report shall also be submitted to the department of environmental protection of the response actions, transfer, or upon beneficial reuse of the property it shall be assessed or taxed by the city of Pittsfield.
Section 14. The board shall consist of five members appointed by the mayor of the city of Pittsfield. Official action shall require a positive vote of at least the majority of the board.
In naming said five members, the mayor shall choose at least one member who is experienced with or is knowledgeable about the financing or the issuance of bonds, said member to be appointed for a term of two years; one member who has experience with or is knowledgeable about environmental matters, including contamination of land, said member to be appointed for a term of two years; one member who has experience with or is knowledgeable about economic development and planning, said member to be appointed for a term of three years; one member who lives in or will represent the interest of the neighborhoods which will be most directly affected by the activities of the Authority, said member to be appointed for a term of one year. The fifth member of the said board shall be appointed for a term of one year. The mayor may serve as a member of the board.
At the expiration of the term of any member, or upon the resignation or disqualification of any member, the mayor shall appoint a new member for an equivalent term as the member whose seat the new member is replacing. Each member whose term has expired shall serve until the qualification of a successor. A board member may be reappointed.
Section 15. The board shall appoint and determine the compensation of an Authority director who shall be the chief executive officer of the Authority and shall administer the affairs and direct the work of the Authority as approved by the board; said director may, in the discretion of the board, also hold elective office, notwithstanding any provisions of chapter two hundred and sixty-eight A or any other of the General Laws to the contrary. The board shall set forth the powers and duties of the Authority's director in its bylaws.
The Authority's director may, upon approval of the board or as otherwise provided in the Authority's bylaws, enter into agreements for professional construction services to be provided to the Authority by private contractors. The Authority director shall be familiar with economic development in Berkshire county and shall possess such other qualifications as are determined by the board.
Section 16. The Authority shall have a seal consisting of a circular die bearing the words Commonwealth of Massachusetts, Pittsfield Economic Development Authority', which seal may be used whenever deemed advisable by the board on papers and documents issued or executed by the board or by any officer or employee designated by the board.
Section 17. The board shall prepare and adopt bylaws describing and stipulating its organization and operations. The board members shall annually, in the month of April, select a chairman, vice-chairman, and secretary, from among the membership who shall act as an executive committee. Members of the board may receive compensation from the Authority which shall not exceed five hundred dollars per year for a board member or one thousand dollars per year for the chairman, vice-chairman or secretary. Board members may be reimbursed for actual expenses incurred in performance of their duties on approval of the board.
The board shall appoint, and may at its pleasure, remove a treasurer and a clerk who shall not be members of the board. Both offices, if the board deems advisable, may be held by the same person. The treasurer shall give the board a bond payable to the Authority with a surety company authorized to transact business within the commonwealth and satisfactory to the board such surety in such sums as the board may prescribe and conditioned on the faithful performance of the duties of treasurer. The duties of the treasurer and the clerk shall be those usually pertaining to such offices and, in addition, such as may be from time to time prescribed by the board. The board may retain legal counsel for any and all appropriate purposes.
The director, with the approval of the board, shall from time to time appoint or employ such other experts, agents, officers, clerks, and other employees as deemed necessary and shall determine their duties. The salaries or compensation of all persons appointed or employed under authority of this section shall be determined by the board and together with other expenses shall be paid by the Authority and shall be considered a part of the expense of maintenance of the Authority. The board shall establish an office within the city of Pittsfield in which its business may be conducted and in which plans, documents, records and other paper relating to its business, land and other works and properties shall be kept.
The Authority shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open at all times for inspection by the city of Pittsfield or by any officer or duly appointed agent of the commonwealth.
The board shall make a report each year of its activities for the preceding year and shall, prior to February 1, submit a copy of such report to the state auditor and to the city of Pittsfield. A copy of such report shall also be submitted to the department of environmental protection
Section 18. At any time not less than eight years after the acceptance of this act, the city of Pittsfield may, after approval by a majority vote of its city council, notify the board of its decision to withdraw from the Authority.
Such withdrawal shall become effective in not less than two years after the receipt of such notice by the board and only after approval by the majority of the board. In the event of such withdrawal the city shall:
(1) continue to make any payments to the Authority which it has previously agreed to make or which it previously became

obligated to make;
(2) continue to be paid by the Authority for any taxes or lease payments, or share thereof, which accrue to the city as a result of any agreement with the Authority or as a result of any legal obligation of the Authority.
Section 19. Initial organization of the board established under the provisions of section eight shall take place within one hundred eighty days after the affirmative vote of the city of Pittsfield for the formation of the Authority. If the board does not organize itself and form the Authority within one hundred eighty days, the action of the city council shall be null and void.
Section 20. The Authority shall provide for early direct community involvement in each significant phase of response activities taken under this authority. This shall include providing the community with access to information necessary to develop comments on decisions regarding site characterization, risks posed by the site, and selection of removal actions.
Process for involvement: (1) site assessment — whenever practicable, during the site assessment, the Authority shall solicit and evaluate the concerns and interests of the community likely affected by the site by whatever means deemed appropriate by the Authority, (2) site cleanup — after assessment and feasibility study, and a method of cleanup has been determined, the Authority shall solicit the views and preferences of the community likely affected by this cleanup including the disposition of the hazardous substances, pollutants, or contaminants at the site.
Section 21. The department of environmental protection is directed to promulgate rules and regulations after notice and hearing in accordance with chapter 30A of the General Laws, to set up and implement a pilot project in the city of Pittsfield for the purpose of reuse and redevelopment to promote economic growth at said site. The department shall involved in the process all interested parties, including but not limited to, the United States Environmental Protection Agency, the attorney general of the commonwealth, the elected officials in the city of Pittsfield and the Massachusetts office of business development, or its successor. The department shall prepare a preliminary plan no later than one hundred and twenty days after the effective date of this act and publish notice thereof in the state environmental monitor. This pilot project requires significant economic activity for the city of Pittsfield providing net new jobs as defined by chapter 19 of the acts of 1993. This pilot project shall include: (1) allowing the long-term use of one or more temporary solutions, as such term is defined in subsection (f) of section 3A of chapter 21E of the General Laws, to satisfy the remediation requirements of said section 3A; (2) establishing appropriate reporting and monitoring requirements for the construction and maintenance of such temporary solution or solutions; (3) defining the department's responsibilities for reviewing and approving such temporary solution or solutions and reporting and monitoring thereof; (4) Providing for an appropriate and efficient process to allow public participation with respect to the department's approval and review of such temporary solution or solutions as set forth in clause (3); (5) defining the limited circumstances in which, upon petition of the department or another persons or party, a permanent solution may be required in lieu of the continuation of such temporary solution or solutions; and (6) providing appropriate incentives, within the limits of state law or regulations, to induce any participant in such a pilot project to complete remediation expeditiously."
The amendment was adopted.
Mr. Morrissey moved to amend the bill by inserting after section 30A (inserted by amendment) the following section:—
"SECTION 30B. Chapter 36 of the General Laws is hereby amended by adding the following section:—
Section 40. Notwithstanding the provisions of any general or special law to the contrary, the secretary of the commonwealth shall promulgate rules and regulations to ensure that all technology purchases by all registries of deeds are compatible with each other."
The amendment was adopted.
Mr. Knapik moved to amend the bill by inserting after section 53 the following section:—
"SECTION 53A. Section 32J of chapter 94C of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word private', in line 4, the following words:— preschool, headstart facility,'."
The amendment was adopted.
Messrs. Moore and Tarr moved to amend the bill by inserting after section 96B (inserted by amendment) the following section:—
"SECTION 96C. Chapter 48 of the acts of 1997 is hereby amended by adding the following section:—
Section 28. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, employees of a county agricultural school transferred to the commonwealth shall be transferred with no impairment of employment rights held immediately before the transfer date, without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade and without change in union representation. All such employees shall continue their right to collectively bargain pursuant to chapter 150E of the General Laws, and shall be considered employees for the purposes of said chapter 150E. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred."
The amendment was adopted.
Mr. Moore of Uxbridge moved that the bill be amended by adding the following section:—
"SECTION 216. A special commission is hereby established, to consist of three members of the senate, one of whom shall be the senate chairman of the joint committee on public service, who shall serve as co-chair of the commission, one of whom shall be appointed by the senate president and one of whom shall be appointed by the senate minority leader; three members of the house of representatives, one of whom shall be the house chairman of the joint committee on public service who shall serve as co-chair, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the house minority leader; the governor or his designee; the chairman of the Massachusetts Joint Labor-Management Committee; six persons to be appointed by the governor, one of whom shall be a firefighter representing the Professional Firefighters of Massachusetts from nominations submitted to the governor by the Professional Firefighters of Massachusetts, one of whom shall

be a police officer representing the International Brotherhood of Police Officers NAGE, one of whom shall be a member of the AFL-CIO from nominations submitted to the governor by the AFL-CIO, two of whom, one representing towns and one representing cities, shall be representatives of the Massachusetts Municipal Association from nominations submitted to the governor by the Massachusetts Municipal Association, and one of whom shall be a management member of the Massachusetts Joint Labor-Management Committee; for the purpose of making an investigation and study of collective bargaining and dispute resolutions for municipal police officers, firefighters and other public employees to examine procedures relative to the implementation of a binding arbitration process, by which collective bargaining negotiations which have remained unresolved for an unreasonable period of time between said municipal police officers, firefighters and other public employees in the cities and towns of the commonwealth may be resolved. Said commission shall report to the general court the results of its study and its recommendations, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before June 1, 1999."

The amendment was adopted.

Messrs. Tarr, Knapik, Lees, Tisei and Hedlund moved to amend the bill by adding the following section:—

"SECTION 217. There is hereby established a special commission to examine, review and analyze the practices and policies of the commonwealth, including the judiciary, as they apply to the determination, modification, calculation and collection of child support, the determination and administration of the rights if custodial parents, non-custodial parents and those parents entitled to joint custody as the result of a divorce or separation, including visitation and parental information, the issuance, review, termination and modification of restraining orders pursuant to chapter 209A of the General Laws, and any ancillary or related matters.

Said commission shall consist of 13 members, who shall be appointed as follows: three members appointed by the speaker of the house of representatives, at least one of whom shall represent the minority party; three members appointed by the senate president, at least one of whom shall represent the minority party; and seven members appointed by the governor, whom shall be as follows: one member of the judiciary currently sitting as a probate judge, one member of the Massachusetts Bar Association with a practice or expertise in family law, one member from a recognized group such as Help for Abused Women and Children which advocates for women and children, one member of a recognized which advocates for fathers, one representative from the department of revenue, and two members representing the general public.

Said commission shall examine, review and analyze said matter and consider the fairness, equity, practicality and accountability of such subject matter together with its consequences for the welfare of parents, children and family preservation and stability.

Said commission shall report its findings, together with and legislative recommendations to the clerks of the house and senate and the house and senate committees on ways and means not later than June 30, 1999."

The amendment was adopted.

Messrs. Moore and Amorello moved to amend the bill by inserting after section 30B (inserted by amendment) the following section:—

"SECTION 30C. Section 91 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the word people,' in line 16, the following:— for service rendered as the first member as of July 1, 1999 pursuant to section 28 of chapter 48 of the acts of 1997 and any consecutive reappointment'."

The amendment was adopted.

Mr. Moore moved to amend the bill by inserting after section 51 the following section:—

"SECTION 51A. Section 38 of said chapter 75, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words National Environmental Technology for Waste Prevention Institute' and inserting in place thereof the following words:— National Environmental Technology Institute, hereinafter referred to as NETI'."

The amendment was adopted.

As previously stated the above amendments were considered as one and adopted.

Messrs. Lees, Knapik, Tisei, Tarr, Hedlund and Amorello moved to amend the bill by inserting after section 206 the following section:—

"SECTION 206A. Notwithstanding the provisions of any general or special law to the contrary, nothing herein shall prohibit the accumulation of funds over multiple fiscal years by cities or towns to whom money is allocated pursuant to chapter 90 of the General Laws."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 8 — nays 30):

YEAS.

Amorello, Matthew J.	Murray, Therese
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.

—8.

NAYS.

Antonioni, Robert A.	Brewer, Stephen M.
Bernstein, Robert A.	Clancy, Edward J., Jr.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Durand, Robert A.	Norton, Thomas C.
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O'Brien, John D.
Jacques, Cheryl A.	Pacheco, Marc R.
Jajuga, James P.	Panagiotakos, Steven C.
Joyce, Brian A.	Pines, Lois G.
Keating, William R.	Rauschenbach, Henri S.
Lynch, Stephen F.	Rosenberg, Stanley C.
Magnani, David P.	Shannon, Charles E.
Melconian, Linda J.	Travaglini, Robert E.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 30.

—30.

ABSENT OR NOT VOTING.

Berry, Frederick E.

—1.

The yeas and nays having been completed at twelve minutes past two o'clock P.M., the amendment was *rejected*.

Messrs. Jajuga and Morrissey moved to amend the bill by inserting after section 206 the following section:—

"SECTION 206A. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, for disproportionate share hospitals owned by a municipality, the division of medical assistance shall pay such hospitals at an inpatient rate that is 110 per cent of such hospital's standard payment per discharge amount and at an outpatient rate that is 110 per cent of the division of medical assistance's outpatient fee schedules, which also shall include the division of medical assistance's ambulatory payment groups."

After debate, the amendment was *rejected*.

Mr. Brewer moved to amend the bill by inserting after section 206 the following section:—

"SECTION 206A. Notwithstanding the provisions of any general or special law, or regulation to the contrary, local boards of health and the department of environmental protection shall be prohibited from withholding or revoking license to operate a manufactured housing community, issued pursuant to section 32B of chapter 111 of the General Laws, solely due to a failure of the licensee or license applicant to have the on-site subsurface sewage disposal systems, as defined in 310 CMR 15.000, serving the community inspected; provided, however, that beginning on January 1, 2000 and thereafter, all on-site subsurface sewage disposal systems serving a manufactured housing community not already subject to the system inspection requirements of 310 CMR 15.301(6) shall be inspected in accordance with the inspection schedule in 310 CMR 15.301(6), regardless of the total design flow of the manufactured housing community; and provided further, that such inspections shall be conducted in compliance with the requirements of 310 CMR 15.000. Nothing in this section shall be construed to limit the authority of local boards of health or said department, under 310 CMR 15.000 or under any other regulation or general or special law including, without limitation, their authority to require on-site subsurface sewage disposal systems serving a particular manufactured housing community to be inspected on an earlier date. Any failure to conduct an inspection as required under this section shall constitute a violation of 310 CMR 15.000."

The amendment was *rejected*.

Mr. Clancy moved to amend the bill by inserting after section 67 the following section:—

"SECTION 67A. The fourth paragraph of section 7 of chapter 178A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— Notwithstanding the preceding sentence, the provisions of this paragraph shall not become effective until all companies doing business pursuant to chapter 175 shall be required to adhere to the same gender-biased requirement as enumerated in the preceding sentence."
After debate, Mr. Durand in the Chair, the amendment was *rejected*.
Messrs. Clancy and Joyce moved to amend the bill by inserting after section 48 the following section:—
"SECTION 48A. Paragraph (h) of section 6 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 110, the words one dollar' and inserting in place thereof the following words:— $2.50'."
The amendment was *rejected*.
The President in the Chair, Mr. Lees moved to amend the bill by inserting after section 62 the following section:—
"SECTION 62A. Section 3 of chapter 127 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— Revenues generated by the sale or purchase of goods or services to persons in the country correctional facilities, including fees or commissions from inmate telephone systems, shall not be expended by the county commissioners or county treasurer for any purpose unrelated to county corrections or the general welfare of inmates.'."
The amendment was *rejected*.
Mr. Pacheco moved to amend the bill by adding the following section:—
"SECTION 226. (1) As used in this section, the following terms shall have the following meanings:
'Building', the Leverett Saltonstall state office building at 100 Cambridge street in the city of Boston.
'Secretary', the secretary of administration and finance.
(2) Promptly upon the effective date of this section, the secretary shall cause to be published in the central register pursuant to the provisions of section 20A of chapter 9 of the General Laws a notice requesting proposals from any public or private entity for future solutions regarding the building. The notice may include any information or additional provisions that the secretary believes will carry out the purposes of this section. The notice shall solicit the following possible proposals:
(a) Proposals to purchase the building in its current condition, for its full and fair market value at its highest and best use, demonstrating how the proceeds from this sale would be sufficient to replace the 600,000 square feet of class B office space elsewhere, either in the city of Boston or outside said city, but convenient to public transportation. Such a proposal may include any combination of construction of new office space, rehabilitating of existing office space, or the use of office space at multiple sites.
(b) Proposals to purchase the building in its current condition, for its full and fair market value at its highest and best use, with the commonwealth retaining the right to occupy a portion of the building after its rehabilitation is complete. Such a proposal shall specify how much of the resulting office space, but in no event less than 15 per cent, will be available to the commonwealth. Such a proposal shall also make the demonstration regarding replacement office space required by paragraph (a).
Proposals to finance, design and rehabilitate the building's existing office space for a specific price, returning all office space in the building to the commonwealth for its exclusive use after rehabilitation work is complete. Such a proposal shall specify a guaranteed price and time for completion of the work, and may also recommend alternatives to existing statutory procurement requirements. Such a proposal may provide that: (1) the commonwealth will enter into a long-term lease with the developer; or (2) the commonwealth shall retain title to the building but compensate the developer for its work.
(d) Any other types of proposals that the secretary may decide to include in the notice. (3) The secretary shall require each proposal requested pursuant to subsection (2) to include proof satisfactory to the secretary of the proponent's financial ability to perform. This section shall apply notwithstanding the provisions of any general or special law to the contrary; provided, that the provisions of sections 26 to 27H, inclusive, of chapter 149 of the General Laws shall apply to work pursuant to this section.
(4) Not later than 120 days after the effective date of this section, the secretary shall file a written report with the house and senate committees on ways and means and the joint committee on state administration. Said report shall include a cost-benefit analysis comparing the proposals received pursuant to subsection (2) and shall recommend which proposal is most cost effective in the secretary's judgement. The report shall recommend legislation to carry out the recommended proposal.".
The amendment was adopted.
Mr. Pacheco moved to amend the bill by inserting after section 209F (inserted by amendment) the following section:—
"SECTION 209G. (1) Notwithstanding the provisions of any general or special law to the contrary, in order to access funds from the School and Libraries Corporation, hereinafter known as the Universal Service Fund, or any successor, the commonwealth and its political subdivisions are authorized to utilize the provisions of section 5 of chapter 30B of the General Laws to solicit competitive sealed bids for the installation of network components, customer premises equipment, physical plant and electronic infrastructure supporting a local area network, wide area network services, whether broadband, switched, analog or digital for the receipt, forwarding and delivery of communications including, but not limited to, the design and construction of building technology infrastructure and supporting electrical work of public schools and libraries, to be paid for, financed or otherwise funded, in whole or in part, with funds from the Universal Service Fund. Electrical upgrades and other construction work necessary in these projects that are not funded from the Universal Service Fund may be included in contracts awarded pursuant to this subsection. The provisions of sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30 and sections 44A to 44J, inclusive, of chapter 149 of the General Laws shall not apply to contracts awarded under this subsection; provided, however, that the provisions of sections 26 to 27H, inclusive of said chapter 149 shall apply to contracts awarded pursuant to this subsection.
(2) Awarding authorities must observe the following requirements in any procurement conducted pursuant to this section.
(a) Only vendors that have been prequalified by the awarding authority may bid on a project, except that the commonwealth may

establish a statewide list of prequalified vendors that may bid on a project. Any vendor that is on a statewide blanket contract established by the operational services division or the department of education, or that has received an appropriate certificate of eligibility for telecommunications systems pursuant to section 44D of chapter 149 of the General Laws, shall be deemed prequalified and may bid on projects under this section; provided, however, that any such prequalified bidder, if selected as the best value and winning bid, that does not participate in a bona fide telecommunications apprenticeship program approved by the commonwealth, which program complies with the requirements of sections 11E to 11L, inclusive, of chapter 23 of the General Laws and includes all trades or occupations represented in their workforce at the time of submitting a bid, shall establish such a bona fide telecommunications apprenticeship program and submit to the awarding authority a certificate of insurance evidencing membership in an insurance program as set forth in chapter 152 of the General Laws prior to the signing of the contract by such awarding authority. Such insurance policy shall remain in effect for the duration of the contract. If such insurance expires before the completion of the work under such contract, the applicant shall provide to the awarding authority a new certificate of insurance showing to the satisfaction of such awarding authority the new expiration date of such policy.

(b) The awarding authority shall prequalify vendors by publishing a notice of its invitation for applications for prequalification in the central register published by the state secretary and in a newspaper of general circulation in the locality of the project. Such awarding authority shall prequalify vendors solely on the basis of the evaluation criteria reasonably calculated to identify qualified vendors and included in the invitation for applications. Such criteria shall be consistent with the minimum prequalification criteria set by the commonwealth.

The awarding authority shall invite bids from prequalified vendors by publishing a notice in the central register published by the state secretary and in a newspaper of general circulation in the locality of the project.

(d) The awarding authority shall award contracts to the prequalified bidder that offers such awarding authority the best value. Best value shall mean making contract award decisions on the basis of price and the bidder's ability to successfully complete the contract on time and at the quality level specified at the offered price, technical factors relating the project and the bidder's past performance on similar contracts. All elements, including price, must be identified in the invitation for bids as to their relative importance to the awarding authority in the final selection process.

(e) The provisions of sections 26 to 27H, inclusive, of said chapter 149 shall apply to any contracts awarded pursuant to this section.

(f) Awarding authorities shall submit a copy of any contract awarded pursuant to this section to the department of education and the inspector general within fifteen days of signing such contract.

(3) This section establishes an alternative procurement procedure for awarding authorities and nothing in this section be construed to prevent an awarding authority from using any other procurement method allowed by law.

(4) This section shall expire two years from the date of its enactment."

The amendment was adopted.

Mr. Tolman moved to amend the bill by adding the following section:—

"SECTION 223. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall examine the provider rate paid to the Union Square Nursing Home, including but not limited to consideration of the extent to which it compares with rates paid to other nursing homes in Boston. Said division shall report its findings to the house and senate committees on ways and means and the joint committee on health care not later than August 15, 1998."

The amendment was adopted.

Mr. Tolman moved to amend the bill by inserting after section 53 the following section:—

"SECTION 53A. Section seventy-one of chapter one hundred eleven of the General Laws is hereby repealed."; by inserting after section 54 the following section:—

"SECTION 54A. Section 71 of chapter 111 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following two paragraphs:—

Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed by the department in whole or in part as a skilled nursing facility for children shall admit an individual under 22 years of age for a period of 100 days or less unless said individual meets the medical eligibility criteria for nursing facility services established by the division of medical assistance, or receives prior authorization by said individual's private third party health insurer. Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed by the department in whole or in part as a skilled nursing care facility for children shall admit an individual under 22 years of age for a period to exceed 100 days unless said individual meets the medical eligibility criteria for nursing facility services established by the division of medical assistance and is determined by said division to be a multiply-handicapped child, defined as a person under 22 years of age with physical manifestations of necrologic, musculoskeletal, or organic dysfunction, irrespective of etiology, with the prognoses of significant impairment of growth and development and severe limitation of independent functioning, or unless said individual receives prior authorization by said individual's private third party health insurer. Any individual initially admitted to a skilled nursing care facility for children upon meeting the medical eligibility criteria of the division of medical assistance for a period of one 100 days or less must obtain approval for continued eligibility by said division in order to continue residency in said facility beyond one hundred days. Any individual initially admitted into a skilled nursing facility for children under authorization by a private third party health insurer must obtain approval from the division of medical assistance under the division's medical eligibility criteria for continued residency at said facility prior to the expiration of the third party health insurance coverage."; and by inserting after section 53 the following section:—

"SECTION 53B. Chapter 118E of the General Laws is hereby amended by inserting after section 14A, as appearing in the 1996 Official Edition, the following section:—

Section 14B. Notwithstanding any general or special law or regulation to the contrary, the division shall determine medical eligibility for admittance of children under the age of 22 to a skilled nursing facility for children pursuant to regulations codified at 130 CMR 456.252 as in effect on December 4, 1996."

The amendment was *rejected.*

Messrs. Tolman and Lynch, Ms. Pines, Messrs. Joyce, Shannon, Ms. Murray, Ms. Fargo, Messrs. Keating, Pacheco and Ms. Jacques, moved to amend the bill by inserting after section 51A (inserted by amendment) the following section:—

"SECTION 51B. The third paragraph of section 40 of chapter 82 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— In providing the designations required by this section, the company shall not utilize personnel other than the company's own permanent employees who have been trained to perform the work.'."

Mr. Rauschenbach moved that the pending amendment be amended by striking the text thereof and inserting in place thereof the following:—

"SECTION 51B. The third paragraph of section 40 of chapter 82 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— In providing the designations required by this section, said natural gas pipeline, public utility or cable television company or municipal utility department shall not utilize personnel other than the permanent employees of said company or department who have been trained to perform the work, unless otherwise provided by a collective bargaining agreement or agreements between such company or department and the applicable organization representing such employees or unless approved by the department of telecommunications and energy based upon a determination that an alternative method may be used that fulfills the requirements of this section in an efficient, safe and reliable manner.'."

After debate, the further amendment was rejected. The amendment, offered by Messrs. Tolman, et al., was further considered.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before four o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 37 — nays 0):

YEAS.

Amorello, Matthew J.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Durand, Robert A.	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Havern, Robert A.	Pines, Lois G.
Hedlund, Robert L.	Rauschenbach, Henri S.
Jacques, Cheryl A.	Rosenberg, Stanley C.
Jajuga, James P.	Shannon, Charles E.
Joyce, Brian A.	Tarr, Bruce E.
Keating, William R.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Warren E.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne
Melconian, Linda J.	

—37.

NAYS. — 0

ANSWERED "PRESENT"

O'Brien, John D.

—1.

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at nineteen minutes before four o'clock P.M., the amendment (Messrs. Tolman, et al.) was adopted.

Mr. Tolman moved to amend the bill by adding the following section:—

"SECTION 232A. Notwithstanding the provisions of any general or special law to the contrary, the public employee retirement administration commission shall conduct a study of the impact of changing the level of public employee pension contribution from nine per cent to eight per cent. Said study shall include information concerning employees whose regular compensation contribution to the annuity savings was eight per cent prior to the enactment of chapter 151 of the acts of 1996. Said study shall consider the ability of an eight percent employee contribution and its projected earnings together with an appropriate employer subsidy, if any, to fully fund an employee's retirement allowance, the impact of an eight per cent contribution on the retirement system as a whole, the estimated percentage shares to be assumed by pension system investment earnings, employee contributions and employer subsidies, if any, to fully fund an employee's retirement allowance, and any other relevant aspects of such change. Said study shall be filed with the clerks of the house and senate and the house and senate committees on ways and means and the joint committee on public service on or before January 1, 1999."

After remarks, the amendment was adopted.

Mr. Magnani moved to amend the bill by inserting after section 67 the following section:—

"SECTION 67A. Section 8A of chapter 161A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:—

Any city or town which has agreed to locate a commuter rail station within the borders of said city or town after January 1, 1996 shall be exempt from all applicable assessments for the calendar year 1999 and thereafter."

After remarks, the amendment was *rejected.*

Mr. Magnani moved to amend the bill by inserting after section 53 the following section:—

"SECTION 53A. Section 132 of chapter 112 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The board may issue a license without examination to an applicant who is or has been licensed or registered under the laws of another state, territory or political subdivision of the United States, whose standards are, in the opinion of the board, substantially equivalent to the requirements of section 131, and whose license has not been suspended or revoked by the licensing jurisdiction; provided, that the applicant has either passed an examination, or has been licensed or registered and practicing in that state, territory or political sub-division for at least five years."

The amendment was *rejected.*

Ms. Murray and Mr. Hedlund moved to amend the bill by adding the following section:—

"SECTION 224. There is hereby established the South Shore Recycling Cooperative, a public body politic and corporate, hereinafter referred to as the cooperative. The towns of Abington, Cohasset, Duxbury, Hanover, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Rockland, Scituate, and Weymouth are authorized to enter into an agreement to join said cooperative.

Said cooperative shall be for the purpose of and in accordance with an agreement entitled, Intermunicipal Agreement for Cooperative Recycling on the South Shore,' hereinafter referred to as the agreement, which is on file in the office of the town or city clerks of the members.

This section shall take effect in any city or town referred to in the first paragraph of this section upon vote by town meeting or city council, as the case may be to accept the provisions of this section and the agreement. The cities and towns referred to in the first paragraph of this section which accept the provisions of this section and the agreement shall be the initial members of the board of directors of the cooperative. Any other city or town may join the Cooperative by vote of town meeting or city council, as the case may be, to accept the provisions of the agreement and to accept the provisions of this section, provided however that no such city or town may become a member unless such membership is accepted by majority vote of the board of directors of the cooperative.

The powers and authority of the cooperative shall be vested in a board of directors, which shall be composed of two representatives from each member city or town, appointed for three-year terms. One representative from each member city or town shall be appointed by the elected or appointed municipal board or commission which has the authority over solid waste management in sad city or town. One representative shall be appointed by the board of selectmen or the city council, as the case may be, of the city or town. Each member city or town shall have one vote in all votes taken by the board of directors.

In addition to the powers enumerated in the agreement, the board of directors of said cooperative shall have the rights and powers: to adopt bylaws for the regulation of its affairs and the conduct of its business; provided however, that said bylaws be consistent with this section, to adopt an official seal and alter the same at its pleasure; to maintain an office at such place or places as it may determine; to sue and be sued and to prosecute and defend actions relating to its properties and affairs; to own and maintain real and personal property; to apply for, accept and disburse grant funds; to receive, manage, and disburse funds; to conduct regional procurement of supplies and services for members, to prepare, advertise, and award contracts to provide regional solid waste or recycling services for member towns, to change its name, and to hire and fire personnel.

The cooperative shall not have the power of eminent domain, nor the power to levy taxes, to require the payment of any funds by members, except as provided by the agreement. The cooperative shall not incur debt which obligates its assets for periods of more than one fiscal year. The cooperative shall be subject to all local zoning or non-zoning land-uses-by-laws and regulations. The employees and agents of the cooperatives shall be agents and employees of the cooperative and not of the member cities or towns."

The amendment was adopted.

Mr. Keating moved that the bill be inserting after section 87Q (inserted by amendment) the following sections:—

"SECTION 87R. Section 1 of chapter 258C of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the definition of crime', and inserting in place thereof the following definition:—

'Crime,' an act committed in the commonwealth by a person, age 7 or older, which, if committed by a mentally competent, criminally responsible adult who has no legal exemption or defense, would constitute a crime; provided, however, that such act results in physical or psychological harm or death to the victim. The word crime' shall include any violation of sections 12, 16, 17, 23, 24, 24A, 24G, 241, 24L, and 24P of chapter 90, any violation of sections 8, 8A and 8B of chapter 90A, and any violation of chapter 209A. The word "crime" shall also apply to an act of terrorism as defined in section 2331 of title 18 of the United States code, committed outside of the United States or territories against a resident of the commonwealth. The word crime' shall also apply to an act which occurs against a resident of the commonwealth in one of the United States or territories or in a foreign country which does not have a crime victim compensation program for which a resident of the commonwealth would be eligible, provided such act otherwise constitutes a crime as herein defined.

SECTION 87S. Section 2 of said chapter 258C, as so appearing, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:—

(f) No compensation shall be paid unless the claimant, or individual for whose benefit a claim is made, has incurred actual out-of-pocket loss or liability for expenses that are compensable under this chapter as a direct result of the injury to or death of a victim.

SECTION 87T. Subsection (g) of said section 2 of said chapter 258C, as so appearing, is hereby amended by adding the following sentence:— An attorney for any claimant shall not pursue or receive from said claimant, or contract with said claimant for a sum larger than the amount awarded to the attorney by the division.

SECTION 87U. Section 3 of said chapter 258C, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words a crime committed against one individual for'.

SECTION 87V. Paragraph (1) of subsection (b) of said section 3 of said chapter 258C, as so appearing, is hereby further amended by adding the following sentence:— Additional ancillary expenses related to the death of a victim shall be compensable up to $3,000.

SECTION 87W. Paragraph (2) of said subsection (b) of said section 3 of said chapter 258C, as so appearing, is hereby amended by striking out subparagraphs (A), (B) and and inserting, in place thereof the following three subparagraphs:—

(A) Expenses incurred for hospital services as the direct result of injury to the victim shall be compensable in accordance with this chapter; provided, however, that a hospital shall not be paid by the division where the expense is reimbursable through the uncompensated care pool established by chapter 118F, or any successor thereto, or where said expense is reimbursable by medicaid; and provided, further, that payment to hospitals for outstanding expenses shall be based on rates that, in the aggregate, do not exceed the amount that the medicaid program pays for comparable services.

(B) Expenses incurred for physician, dental, ambulance, or other medically necessary services or prosthetic devices as the direct result of injury to the victim shall be compensable in accordance with this chapter. Payments by the division to medical and dental providers for outstanding expenses shall be based on reasonable rates of payment, taking into account current comparable rates paid by other government payers. If the victim has ceased employment as a direct result of disability from the crime, the division may reimburse the victim for the cost of health insurance premiums previously paid, in whole or in part, by the victim's employer, or by the victim is self-employed. No expenses shall be paid under this subparagraph if said expenses are reimbursable by medicaid.

Reasonable mental health counseling expenses obtained as a direct result of the crime are compensable in accordance with this chapter. Payments to mental health providers for outstanding expenses shall be based on reasonable rates of payment, taking into account current comparable rates paid by other government payers. No expenses shall be paid by the division under this subparagraph if said expenses are reimbursable by medicaid. The following persons shall be eligible for mental health counseling expenses: (a) the victim of the crime; (b) minor children who observe or perceive the commission of a crime against a family member; family members and dependents of homicide victims, and (d) non-offending family members and dependents of sexual assault victims, to the extent that said mental health counseling is necessary for the successful treatment of the victim.

SECTION 87X. Said section 3 of said chapter 258C, as so appearing, is hereby amended by striking out, in lines 54 and 55, the following words:— and for the preceding one year'.

SECTION 87Y. Said paragraph (2) of said subsection (b) of said section 3 of said chapter 258C, as so appearing, is hereby amended by adding the following four subparagraphs:—

(G) A victim and the dependents of a homicide victim shall be eligible for reimbursement of the replacement value of clothing, bedding and other personal items held by law enforcement for evidentiary purposes. The award for said replacement costs shall not exceed $1,000.
(H) If the crime involves the application of force, intimidation or violence, or the threat thereof by the offender upon the victim, and if the crime occurred in the victim's residence or motor vehicle, the victim and his dependents shall be eligible for reimbursement of the cost of cleaning the crime scene; provided, however, that reimbursement for said cleaning shall not include the cost of repair or renovation to the victim's residence or motor vehicle.
(I) If the crime involves the application of force, intimidation or violence, or the threat thereof by the offender upon the victim, and if the crime occurred in the victim's residence, the victim shall be eligible for reimbursement of the cost of replacing locks to protect his safety. The award for said replacement costs shall not exceed $150.
(J) Upon written recommendation by the district attorney, the attorney general, the investigating law enforcement agency, or the parole board, the division may award moving expenses to assist in protecting the victim from further harm by the offender. The award for said moving expenses shall not exceed $1,000.
SECTION 87Z. Section 5 of said chapter 258C, as so appearing, is hereby amended by inserting after the word crime', in line 2, the following words:— or, within three years of the issuance of a complaint or indictment resulting from the crime. If the victim was a minor at the time of the crime, said claim shall be filed within three years of the date of the crime or of the date of issuance of a complaint or indictment, or by said victim's twenty-second birthday, whichever last occurs.
SECTION 87AA. Section 10 of said chapter 258C, as so appearing, is hereby amended by striking out the words insurance, disability', in line 6, and inserting, in place thereof, the following words:— life insurance in excess of $ 10,000, and the full amount of any other insurance including health insurance, disability insurance, and motor vehicle insurance.
SECTION 87BB. Said chapter 258C is hereby further amended by inserting, after section 10, the following two sections:—
Section 10A. Any provider of hospital, medical, dental or mental health counseling services which receives payment from the division for services provided under this chapter shall, as a condition of receipt of such payment, discharge any and all obligations on the claimant to pay, reimburse or compensate said provider for services that are covered by the award for victim compensation.
Section 10B. Any record made or received by the division in connection with a claim for victim compensation shall not be a public record and shall not be subject to disclosure under section 10 of chapter 66. Any such record shall be maintained by the division, and shall not be released or disclosed to any person or entity, except as required by a petition for judicial review filed under section 9 of this chapter, or in accordance with a court order issued after a hearing, for which both the division and any individual identified in such a record have been provided reasonable notice and an opportunity to be heard. Nothing in this section shall be construed to alter or impair the rights of a data subject pursuant to section 2 of chapter 66A. General and statistical reports generated by the division shall be public records, except where such records are exempt pursuant to clause 26 of section 7 of chapter 4, or are otherwise privileged."
After debate, the amendment was adopted.
Messrs. Morrissey, Creedon and Pacheco moved to amend the bill by inserting after section 207 the following section:—
SECTION 207A. Notwithstanding the provisions of the fourth paragraph of section 2 of chapter 128C of the General Laws, in addition to the simulcast races allowed under said chapter 128C, the greyhound dog racing meeting licensee in Bristol county and the greyhound dog racing meeting licensee in Suffolk county shall be permitted to enter into an agreement with the running horse racing meeting licensee in Suffolk county for additional simulcasts of horse racing performances between June 1 and September 30, under such times and conditions that are agreed to and approved by the parties. Said agreement shall be for the same terms and conditions for each greyhound dog racing meeting licensee, and a violation or breach of the agreement by one party shall apply only to that party; provided, however, that if permission to receive any simulcast signal is denied to one greyhound dog racing meeting licensee, said signal shall not be received by the other greyhound dog racing meeting licensee. The Suffolk county running horse racing meeting licensee shall, as part of its agreement, be permitted similarly to enter into an agreement to simulcast greyhound racing performances.
The provisions of this section shall expire on September 30, 1999."
The amendment was adopted.
Messrs. Morrissey and Travaglini moved to amend the bill by inserting after section 62D (inserted by amendment) the following section:—
"SECTION 62E. Chapter 128C of the General Laws is hereby amended by inserting after section 5, as so appearing, the following section:—
Section 5A. No action to recover winnings upon a wager made under this chapter after the effective date of this section shall be commenced after December 31 of the year following the year in which such wager was made, and no such winnings shall be paid by a licensee after said date except pursuant to a judgment in an action so commenced or in settlement of such action. Within 90 days after said December 31, money held by a licensee for the payment of any such wager for the recovery of which no action has been commenced within the time herein limited shall be deposited with the commission. Subject to the rules and regulations established by the commission, said money shall be used for the payment of purses at each licensee's wagering facility. Each licensee shall submit a plan to the commission for approval to use said monies for purses: provided, however, that monies generated at a racetrack shall he used for purses only at that facility. The commission may approve a multi-year plan to disburse said funds over a period not to exceed five years. Any such money for the recovery of which an action has been duly commenced shall be so paid to the commission within 90 days after December 31 of the year in which such action shall have terminated adversely to the plaintiff therein. A notice of the limitation prescribed by this section in such form as the commission shall

prescribe, shall be posted by each licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold."; and by inserting after section 183 the following section:—

"SECTION 183A. Notwithstanding any other general or special law to the contrary, monies from all unclaimed simulcast wagers made pursuant to chapter 128C of the General Laws and held by the running horse meeting licensee located in Suffolk county, the greyhound dog racing meeting licensee located in Bristol county, and the greyhound dog racing meeting licensee located in Suffolk county prior to the effective date of this act, shall be deposited with the state racing commission. Subject to the rules and regulations established by the commission, said money shall be used for the payment of purses at each licensee's wagering facility. Each licensee shall submit a plan to the commission for approval to use said monies for purses; provided, however, that monies generated at a racetrack shall be used for purses only at that facility. The commission may approve a multi-year plan to disburse said funds over a period not to exceed five years."

The amendment was adopted.

Messrs. Montigny and Pacheco moved to amend the bill by inserting after section 200 the following section:—

"SECTION 200A. The board of registration in pharmacy is hereby authorized and directed to conduct an investigation and study relative to the necessity of licensing pharmacy technicians employed in retail pharmacies, hospitals, clinics, and other health care provider settings. The board shall report the result of said investigation and study to the joint committees on ways and means and health care on or before December 31, 1998; provided, however, that the board shall, prior to concluding said study, consult with parties affected by said board's matter of study, including but not limited to, Massachusetts Association of Health System Pharmacies, Massachusetts Chain Drug Council, Massachusetts Pharmacist Association and the division of health care quality of the department of public health."

The amendment was adopted.

Messrs. Montigny, Pacheco, Joyce, Hedlund, Lynch, Amorello and Tarr moved to amend the bill by adding the following section:—

"SECTION 227. Notwithstanding any general or special law to the contrary, if the secretary of the executive office of elder affairs, after consultation with the secretary of administration and finance, determines on or before August 1, 1998, that based upon enrollment as of such date, projected spending for senior pharmacy assistance benefits pursuant to section 16B of chapter 118E of the General Laws for fiscal year 1999 will not exceed $22,000,000, the division of medical assistance and the executive office of elder affairs shall allow eligible persons whose annual income does not exceed 185 per cent of the federal poverty level to enroll in said senior pharmacy assistance program. Said division and said executive office shall not approve applications which would cause program expenditures to exceed amounts approved therefor."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes past four o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 38 — nays 0):

YEAS.

Amorello, Matthew J.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Durand, Robert A.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Pines, Lois G.
Jacques, Cheryl A.	Rauschenbach, Henri S.
Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Keating, William R.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Warren E.
Lynch, Stephen F.	Travaglini, Robert E.

Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne

—38.

NAYS. — 0

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at twelve minutes past four o'clock P.M., the amendment was adopted.
Messrs. Montigny, Pacheco and Tarr moved to amend the bill by inserting after section 57A (inserted by amendment) the following section:—
"SECTION 57B. Section 16B of chapter 118E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word herein', in line 29, the following words:— ; provided however, that in the case of married couples, the division shall determine eligibility based on joint or individual income at the applicant's option.'."
The amendment was adopted.
Ms. Walsh moved to amend the bill, in section 2, by inserting after item 1108-1011, the following item:—

"1108-1012	For a reserve to reduce or eliminate the backlog of cases pending before the civil service commission; provided, that no state employee shall be compensated from this item; and provided further, that all costs charged to this item shall be deemed to be one-time costs and shall cease to be obligations of said civil service commission or the commonwealth once said backlog is eliminated, prior appropriation continued."

The amendment was adopted.
Messrs. Hedlund, Morrissey, Keating and Joyce moved to amend the bill by inserting after section 201 the following section:—
"SECTION 201A. The metropolitan district commission is hereby authorized, notwithstanding any general or special law to the contrary, in consultation with the inspector general, subject to section 40J of chapter 7 of the General Laws, to execute and deliver in the name and behalf of the commonwealth one or more instruments to lease, for consideration described in section 2 of this act, a certain parcel of land, with the buildings thereon and under the jurisdiction and control of said commission, known as the Blue Hills Ski Area, for a term set forth in section 3, for the operation and management of a downhill recreational ski area. The more exact location and configuration of the premises to be leased shall be shown on a plan on file with the commission entitled Land to be leased for skiing facilities known as the Blue Hills Ski Area.'
The consideration for the lease herein described shall be in the form of the expenditures for the stabilization and restoration of the structures, ski lifts, snow making system and appurtenances on the premises which are subject of the lease as described in section three and for such additional consideration, if any, that the inspector general deems necessary to effectuate and achieve the full and fair market value of the lease or leases authorized herein. Any such determination of additional consideration in the form of compensation, shall be determined by the inspector general only after an appraisal of the value of the property in its proposed improved condition as stabilized and restored.
The commission shall grant a lease for a period of 25 years to an experienced third party. The deputy commissioner, in consultation with the metropolitan district commission, may renew such a lease for additional five year periods so that the total of renewals does not exceed 15 years. Upon the signing of such lease, said lessee shall immediately undertake, at their sole expense and under the super-vision and approval of the commission, to improve, rehabilitate or replace the ski lift system on the premises. In addition, the lessee shall expend at least $500,000 to stabilize, rebuild, replace or demolish the ski lodge, ski school and all other buildings subject to said lease.
The commission is authorized to grant the following lease or leases and extensions of same, and any other related documents to implement the provisions of this section.
The commission shall provide the clerk of the house of representatives, who shall forward copies to the legislature's joint committee on state administration and to the inspector general of the commonwealth, a copy of any such lease or leases at least 20 business days prior to the execution thereof by said commission. The inspector general shall review and comment within 15 business days of the receipt of such lease or leases by said inspector general. A copy of said review and comments, and any

recommendation thereon by the inspector general, shall thereupon be forwarded to said clerk.
Said lease or leases, when executed by the commission, shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with the provisions of this section and section 201B. The commissioner of the metropolitan district commission from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby.
The lease or leases authorized hereby shall provide that all capital improvements to the Blue Hills Ski Area become the property of the commonwealth upon termination of same, without payment of compensation of any kind by the commonwealth. The lessee shall carry comprehensive general and public liability insurance, with the commonwealth as co-insured, protecting the lessee and the commonwealth against personal injuries and property damage occurring on said leased premises or within any structure or building thereon, and such fire and extended risk insurance as deemed appropriate by the commission.
No lease or leases other than that provided for by this section, nor any new construction by the said lessee other than that as set forth within said lease or leases, nor any sale, transfer, conveyance or any other disposition of such land and buildings, may be made without the prior approval of the general court; provided, however, that the metropolitan district commission is hereby authorized under this section and this act, to grant utility easements to enhance and otherwise promote park operations at the Blue Hills Reservation as such commission deems necessary. In the event that the aforementioned purpose described in section one ceases at any time, the lease or leases authorized hereunder shall be terminated under such terms and conditions as the commission may prescribe.
The metropolitan district commission shall have final design review for all buildings and structures to be built, erected and installed on the premises. No buildings or structures shall be built, erected, installed, renovated, demolished or replaced upon said leased premises other than as authorized by said lease leases, without the prior approval of the metropolitan district commission. Prior to the signing of any lease under the provisions of this act, the commission shall prepare traffic impact and visitor safety studies."; and in section 26, by adding the following paragraph:—
"Section 2UU. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Blue Hills Ski Area Recreational Trust Fund. All payments, proceeds, and other sums received by the metropolitan district commit under the leases and agreements and easements authorized hereby, shall be deposited in said Blue Hills Ski Area Recreational Trust Fund. Amounts credited to said fund shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said ski area, including costs of personnel."
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill by inserting after section 93 the following section:—
"SECTION 93A. Chapter 192 of the acts of 1994 is hereby amended by inserting after section 3, the following section:—
Section 3A. In no case shall any adjustment or increase of legislative salaries or the additional compensation paid to the positions referenced in section 3 of this act be considered without the filing of a separate and distinct bill with public notice and a hearing conducted by the joint committee on ways and means; provided that any appropriation needed to fund the increase of legislative salaries or the additional compensation paid to the positions referenced in said section 3 shall not be provided sooner than the next general appropriations act following the approval of any such amendment unless an appropriations bill for that separate and distinct purpose receives a hearing with standard public notice before the joint committee on ways and means."
After remarks, the amendment was *rejected.*
Mr. Hedlund moved to amend the bill, by inserting after section 24 the following section:—
"SECTION 24A. Section 2H of chapter 29 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the words section two I', in line 24, the following words:— ; provided, however, that consideration of any increase to the per cent of budgeted revenues and other financial resources required under this section shall not be approved as an amendment to legislation for another purpose, but rather shall be considered as a separate and distinct bill with standard notice provided for a public hearing to be conducted by the joint committee on ways and means."
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past four o'clock P.M.. on motion of Mr. Hedlund, as follows, to wit (yeas 8 — nays 30):

YEAS.

Amorello, Matthew J.	Panagiotakos, Steven C.
Hedlund, Robert L.	Rauschenbach, Henri S.
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.

—8.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

—30.

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at twenty-eight minutes before five o'clock P.M., the amendment was *rejected.*
Messrs. Hedlund, Keating and Magnani moved to amend the bill by adding the following section:—
"SECTION . In fiscal year 1999, the local Massachusetts bay transportation authority assessments on the so-called fringe communities,' including the following: Ashland, Cohasset, Dover, Duxbury, Hanover, Lynnfield, Marshfield, Medfield, Middleton, Millis, North Reading, Norwell, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland and Wenham shall be 95 per cent of the amount that was assessed in fiscal year 1998; provided further that subsequent MBTA assessments to local communities shall be determined in accordance with any Massachusetts General Law assessment schedule established by the MBTA Forward Funding Initiative, so-called."
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before five o'clock P.M., on motion of Mr. Amorello, as follows, to wit (yeas 10 — nays 28):

YEAS.

Creedon, Robert S., Jr.
Fargo, Susan C.
Hedlund, Robert L.
Jacques, Cheryl A.
Keating, William R.
Magnani, David P.
Morrissey, Michael W.
Murray, Therese
Tarr, Bruce E.
Tisei, Richard R. — 10.

—10.

NAYS.

Amorello, Matthew J.
Joyce, Brian A.

Antonioni, Robert A.	Knapik, Michael R.
Bernstein, Robert A.	Lees, Brian P.
Brewer, Stephen M.	Lynch, Stephen F.
Clancy, Edward J., Jr.	Melconian, Linda J.
Durand, Robert A.	Montigny, Mark C.
Havern, Robert A.	Moore, Richard T.
Jajuga, James P.	Norton, Thomas C.
Nuciforo, Andrea F., Jr.	Rosenberg, Stanley C.
O'Brien, John D.	Shannon, Charles E.
Pacheco, Marc R.	Tolman, Warren E.
Panagiotakos, Steven C.	Travaglini, Robert E.
Pines, Lois G.	Walsh, Marian
Rauschenbach, Henri S.	Wilkerson, Dianne

—28.

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at seventeen minutes before five o'clock P.M., the amendment was *rejected.*

Mr. Rauschenbach moved to amend the bill by inserting after section 67 the following section:—

"SECTION 67A. Section 12 of chapter 159 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:—

The department may, after notice to all affected parties and the conduction of at least one public hearing, determine whether any common carrier telecommunication service shall be subject to competition and may, either by rule or by case-by case determination, provide for the deregulation, detariffing, or modified regulation as the department determines to be in the public interest for such competitive services."

The amendment was *rejected.*

Mr. Rauschenbach moved to amend the bill by adding the following section:—

"SECTION 228. Notwithstanding any general or special law to the contrary, Middlesex county hospital liabilities arising from operations prior to its transfer date of December 31, 1996 owed to the division of medical assistance and any other such liability paid by or recouped from a successor provider shall be paid to the division of medical assistance or such successor provider from item 1599-9711 of section 2A of chapter 48 of the acts of 1997."

The amendment was adopted.

Messrs. Rauschenbach and Montigny moved to amend the bill by inserting after section 118 the following section:—

"SECTION 118A. To lower health care costs, improve access to care for the underserved, and reduce the mortality from cardiovascular disease, the department of public health shall: (a) initiate a demonstration project coordinated by the medical schools of the commonwealth, for the development of cardiac surgery programs in certain community hospitals based in the commonwealth in affiliation with existing programs at academic medical centers in Boston and Worcester; (b) study, through such demonstration projects, in conjunction with the medical schools, the impact of such programs on the quality and cost of community-based cardiac surgery procedures; and (c) shall disseminate the results of such study to the public and the general court before authorizing any further expansion of additional cardiac surgery programs; provided, that (1) each community hospital program shall be supported by a collaboration agreement with an academic medical center based in the commonwealth that has an accredited and primary residency training program in thoracic surgery, (2) each of the four medical schools based in the commonwealth shall be given the opportunity through affiliated academic medical centers to establish a cardiac surgery demonstration project in the commonwealth, and (3) the department, in determining the community hospitals at which cardiac surgery programs are to be initially developed, shall take into account the preference of the medical schools, the health and socio-economic status and geographic location, access to existing cardiac programs, the size of the population of the primary service area of the community hospital and the participation of the community hospital in academic studies of the impact of performing other cardiac procedures in a community hospital."

The amendment was adopted.
Mr. Clancy moved to amend the bill, in section 2, in item 4406-3000 by striking out the figure "50,820" and inserting in place thereof the following figure:— "98,400".
Mr. Rosenberg, Ms. Murray, Messrs. Havern, Shannon, Berry, Antonioni, Nuciforo, Ms. Wilkerson, Ms. Fargo, Messrs. Joyce, Montigny, Lynch, Tolman, Keating, Travaglini and Magnani moved that the pending amendment be amended by substituting in place thereof the following:—
In section 2, in item 4400-1000, by inserting after the words "chapter 5 of the acts of 1995," the following words: — "and file such criteria with the house and senate committees on ways and means not later than July 15, 1998."
The further amendment was adopted. The pending (Clancy) amendment was then adopted, as amended.
Mr. Rauschenbach moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of sections 2A and 38 of chapter 59 of the General Laws, the board of assessors of the town of Provincetown may, for the fiscal year beginning July 1, 1998, determine the valuation of property destroyed by the fire of February 10, 1998, immediately subsequent to said fire, for the purpose of granting abatements applied for under section 59 of said chapter 59."
The amendment was *rejected.*
Mr. Rauschenbach moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Section 2 of chapter 32B of the General Laws, as so appearing, is hereby amended by striking out clause (f) and inserting in its place the following clause:—
(f) Governmental Unit', any political subdivision of the commonwealth and the Wampanoag Tribe of Gay Head, Aquinnah, a federally recognized Indian tribe as referenced in 25 U.S. Code Section 1771, et seq."
The amendment was *rejected*.
Mr. Rauschenbach moved to amend the bill by adding the following section:—
"SECTION . Notwithstanding the provisions of any general or special law to the contrary, distribution of chapter 70 school aid, so called, shall be readjusted so that earmarked funds in the amount of $200 per student would be awarded to communities with median household incomes less than $43,500 that receive less than 18 per cent from said chapter 70 and additional assistance for each dollar of local property taxes contributed by the community to pay costs of public education."
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes past five o'clock P.M., on motion of Mr. Rauschenbach, as follows, to wit (yeas 5 — nays 33):

YEAS.

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Murray, Therese
Rauschenbach, Henri S. — 5.

—5.

NAYS.

Amorello, Matthew J.
Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Moore, Richard T.
Morrissey, Michael W.
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.

Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 33.

—33.

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at twelve minutes past five o'clock P.M., the amendment was *rejected*.

Mr. Montigny moved to amend the bill by adding the following section:—

"SECTION 229. Notwithstanding any provision of chapter 29C of the General Laws to the contrary, the water pollution abatement trust created under said chapter 29C may provide loans to local governmental units for water pollution abatement projects with a useful life in excess of 20 years, such loans to be repaid over a term not greater than such useful life, and in no case greater than 30 years, and otherwise on such terms and conditions as the trust shall require, and in connection therewith the trust may determine that the subsidy of other financial assistance provided to local governmental units from earnings from investment of reserves allocable to such loans shall be deemed to be the financial equivalent of a grant of 25 per cent of the eligible costs of the projects financed by such loans and that the additional subsidy or assistance provided from contract assistance received under section 6 or section 6A of said chapter 29C, together with such earnings, shall be deemed to be the financial equivalent of a grant of 50 per cent of such eligible costs or such greater percentage as may be authorized and directed by said section 6 or said section 6A; provided, that the total amount of contract assistance paid by the commonwealth over the life of such loan, shall not exceed the amount of contract assistance that would have been paid if such loan had been made for a 20 year period."

The amendment was adopted.

Ms. Walsh moved to amend the bill by inserting after section 206C (inserted by amendment) the following section:—

"SECTION 206D. There is hereby established a special commission to study the acquisition, control and disposition of real property by public authorities for the purpose of determining whether or not such authorities shall be governed by the provisions of sections 40E to 40L, inclusive, of chapter 7 of the General Laws. Said special commission shall examine the purposes of the aforementioned sections of chapter 7 and the policy of allowing public authorities to be governed by separate sections of the General Laws for the acquisition, control and disposition of real property. Said special commission shall consist of two members of the senate, the secretary of administration and finance, the inspector general and the commissioner of capital planning and operations.

For the purposes of such study, public authorities shall include, but not be limited, to the Bay State Skills Corporation, Centers of Excellence Corporation, Community Economic Development Assistance Corporation, Community Development Finance Corporation, government land bank, Massachusetts Bay Transportation Authority, Massachusetts Business Development Corporation, Massachusetts Capital Resource Company, Massachusetts Convention Center Authority, Massachusetts Corporation for Educational Telecommunications, Massachusetts education loan authority, Massachusetts Health and Educational Facilities Authority, Massachusetts Higher Education Assistance Corporation, Massachusetts Housing Finance Agency, Massachusetts Horse Racing Authority, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Legal Assistance Corporation, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Nantucket Land Bank, New England Loan Marketing Corporation, pension reserves investment management board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, victim and witness board and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority. Said special commission shall report, in writing, the results of such study, together with recommendations for legislation, if any, to the house and senate committees on ways and means and the joint committee on state administration not later than January 15, 1999."

The amendment was adopted.

Ms. Walsh, Messrs. Morrissey, Lynch, Nuciforo and Tarr and Ms. Fargo moved to amend the bill by inserting after section 30 (inserted by amendment) the following section:—

"SECTION 30D. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:—

Notwithstanding any general or special law to the contrary, providers of personal wireless services as defined in section 704 of the Telecommunication Act of 1996 shall not be considered public service corporations. The provisions of this paragraph shall

apply to every city or town, including, but not limited to, the city of Boston and the city of Cambridge."
The amendment was adopted.
Mr. Lynch moved to amend the bill by adding the following section:—
"SECTION 230. Item 1750-0103 of section 2A of chapter 10 of the acts of 1997 is hereby amended in line 9 by striking out the figure 1998' and inserting in place thereof the following figure:— 1999'."
The amendment was adopted.
Mr. Lynch moved to amend the bill, in section 2, in item 7003-0700, by inserting after the word "specialist" the following words:— "within the Massachusetts AFL-CIO."
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past five o'clock P.M., on motion of Mr. Lynch, as follows, to wit (yeas 38 — nays 0):

YEAS.

Amorello, Matthew J.	Joyce, Brian A.
Antonioni, Robert A.	Keating, William R.
Bernstein, Robert A.	Knapik, Michael R.
Brewer, Stephen M.	Lees, Brian P.
Clancy, Edward J., Jr.	Lynch, Stephen F.
Creedon, Robert S., Jr.	Magnani, David P.
Durand, Robert A.	Melconian, Linda J.
Fargo, Susan C.	Montigny, Mark C.
Havern, Robert A.	Moore, Richard T.
Hedlund, Robert L.	Morrissey, Michael W.
Jacques, Cheryl A.	Murray, Therese
Jajuga, James P.	Norton, Thomas C.
Nuciforo, Andrea F., Jr.	Shannon, Charles E.
O'Brien, John D.	Tarr, Bruce E.
Pacheco, Marc R.	Tisei, Richard R.
Panagiotakos, Steven C.	Tolman, Warren E.
Pines, Lois G.	Travaglini, Robert E.
Rauschenbach, Henri S.	Walsh, Marian
Rosenberg, Stanley C.	Wilkerson, Dianne — 38.

—30.

NAYS. — 0

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at twenty-three minutes past five o'clock P.M., the amendment was adopted.
Messrs. Lynch and Joyce moved to amend the bill by adding the following section:—
"SECTION 231. There is hereby established a special commission to study the feasibility of establishing a state grant program to promote 401(k) participation among small business employees in the commonwealth. Said special commission shall examine

state and federal laws as they pertain to the establishment of such a grant; the need for such a grant; the level of private sector involvement in said program; and the structure and scope of the program. Said special commission shall consist of the chairmen of the joint committee on commerce and labor; one individual from each of the following financial institutions: Fidelity Investments, State Street Corporation, Putnam Investments and Massachusetts Financial Services; an individual from the AFL-CIO; the director of the department of labor and workforce development or his designee; a representative from the National Federation for Independent Business; a representative from the Associated Industries of Massachusetts; a representative from the Greater Boston Chamber of Commerce; a representative from the banking industry and a representative from the 401(k) participant education field, all of whom shall be appointed by the governor. Said special commission shall report, in writing, the results of said study together with its recommendations, if any, not later than January 1, 1999."

The amendment was adopted.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund moved to amend the bill by inserting after section 50 the following section:—

"SECTION 50A. Section 37H of chapter 71 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:—

(f) Any teacher shall have the authority to remove a disruptive student from such teacher's classroom for a period not to exceed five school days. The principal may establish policies and procedures to provide a continued course of study for any students removed from a classroom pursuant to this paragraph. Any teacher who wishes to remove a disruptive student shall inform the student and school principal of the reasons for the removal within 24 hours of the pupil's removal or as soon as reasonably practicable. The principal shall inform the parent or guardian of the student of the removal and the reasons therefor as soon as reasonably practicable but not less than twenty-four hours after receiving notice of the removal. The parent or guardian may request an informal conference with the principal about the student's conduct which shall be held as soon as practicable and at least within three days of receipt of said request.

The principal, in conjunction with the disciplining teacher, shall not set aside the discipline imposed by said teacher unless the principal and said teacher, in consultation, find that the charges against the pupil are not supported by substantial evidence or that the pupil's continued removal is arbitrary, capricious or contrary to law. For the purposes of this paragraph, a disruptive student is an elementary or secondary student (I) whose behavior interferes with the orderly exercise and performance of school district functions, powers, or duties, or whose behavior endangers the safety or health of other students, and (ii) who has refused to comply with a request to refrain from such behavior.

Any teacher, the principal of the school in which such teacher works, and the school district that employs said teacher, shall be immune from liability for any claims based on said teacher's good faith exercise of the authority conferred by this paragraph, provided that the claims are asserted in a lawsuit brought by a student, parent, guardian, or person acting on behalf of a student."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at half past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 10 — nays 28):

YEAS.

Amorello, Matthew J.	Knapik, Michael R.
Clancy, Edward J., Jr.	Lees, Brian P.
Creedon, Robert S., Jr.	Rauschenbach, Henri S.
Hedlund, Robert L.	Tarr, Bruce E.
Keating, William R.	Tisei, Richard R. — 10.

—10.

NAYS.

Antonioni, Robert A.	Morrissey, Michael W.
Bernstein, Robert A.	Murray, Therese
Brewer, Stephen M.	Norton, Thomas C.
Durand, Robert A.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Brien, John D.
Havern, Robert A.	Pacheco, Marc R.
Jacques, Cheryl A.	Panagiotakos, Steven C.
Jajuga, James P.	Pines, Lois G.

Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne

—28.

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at twenty-six minutes before six o'clock P.M., the amendment was *rejected*.
Ms. Fargo, Messrs. Tolman, Tisei, Tarr and Magnani moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. Section 4A of chapter 40 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the first sentence the following sentence:— Any such agreements may specifically authorize the sharing of revenues by one governmental unit with another; provided, that any such agreement for the sharing of revenues shall be approved by the department of revenue, in consultation with the department of housing and community development."
The amendment was *rejected.*
Mr. Knapik moved to amend the bill by inserting after section 96 the following section:—
"Section 96A. Section 17 of chapter 48 of the acts of 1997 is hereby amended by adding the following sentence:— Section 7 of chapter 268A of the General Laws shall not prevent an officer or employee of an abolished county as of the transfer date from continuing an employment relationship with a state agency that commenced before said transfer date."
The amendment was *rejected.*
Mr. Knapik moved to amend the bill by inserting after section 62E (inserted by amendment) the following two sections:—
"Section 62F. Section 16 of chapter 136 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 2, 14 and 15, each time they appear, the words Memorial Day,'.
Section 62G. Said chapter 136, as so appearing, is hereby amended by adding the following section:—
Section 17. All stores and shops which sell goods at retail may open no earlier than noon on Memorial Day."
After debate, Mr. Durand in the Chair, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before six o'clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 38 — nays 0):

YEAS.

Amorello, Matthew J.
Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Moore, Richard T.
Morrissey, Michael W.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Rauschenbach, Henri S.
Rosenberg, Stanley C.

Murray, Therese	Shannon, Charles E.
Norton, Thomas C.	Tarr, Bruce E.
Nuciforo, Andrea F., Jr.	Tisei, Richard R.
O'Brien, John D.	Tolman, Warren E.
Pacheco, Marc R.	Travaglini, Robert E.
Panagiotakos, Steven C.	Walsh, Marian
Pines, Lois G.	Wilkerson, Dianne

—38.

NAYS. — 0

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at sixteen minutes before six o'clock P.M., the amendment was adopted.
Mr. Knapik moved to amend the bill by inserting after section 88 the following section:—
"Section 88A. Section 10 of chapter 645 of the acts of 1948, as most recently amended by section 2 of chapter 746 of the acts of 1987 is hereby further amended by adding the following sentence:— Notwithstanding the foregoing, the board of education shall not approve any project for any school district which fails to spend in the year preceding the year of application at least 50 per cent of the sum of said school district's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses, and extraordinary maintenance allotment as defined in chapter 70 of the General Laws, for said purposes."
Mr. Antonioni moved that the pending amendment be amended by substituting in place thereof the following:
By inserting after section 183A (inserted by amendment) the following section:—
"SECTION 183B. The department of education shall conduct a study identifying those school districts which, in fiscal year 1998, failed to spend at least 50 per cent of the sum of said districts' calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses. and extraordinary maintenance allotment as defined in chapter 70 of the General Laws, for said purposes. A report based on said study shall include an analysis of the reasons for districts' failure to meet said standard and recommendations on improving the physical condition of the commonwealth's public school. Said report shall also include an analysis of the effect of making school building assistance contingent on meeting said standard on the bond rating of the municipalities which compose said districts. Said report shall include an analysis of alternative financing mechanisms which would ensure that those school districts failing to meet said standard through the allocation of chapter 70 funds, so-called, could meet said standard by other means. The department of education shall submit said report to the house and senate committees on ways and means, the executive office of administration and finance and the joint committee on education, arts and humanities not later than January 1, 1999."
The further amendment was adopted. The pending amendment, as amended, was then adopted.
Mr. Knapik moved to amend the bill by inserting after section 30 the following section:—
"SECTION 30A. The last paragraph of section 21A of chapter 44 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— Upon receipt of notification from a city, town, or regional school district of a decrease in the amount of interest payable related to said projects, the department of education shall recalculate the amount of the state construction grant that is payable to said city, town, or regional school district."
The amendment was *rejected.*
Mr. Knapik moved to amend the bill by inserting after section 14 the following section:—
"Section 14A. Section 54 of chapter 15 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word board', in line 122, the following words:— the chairmen of the house and senate committees on ways and means and the secretary of administration and finance."
The amendment was *rejected.*
Mr. Morrissey moved to amend the bill by inserting after section 54B (inserted by amendment) the following two sections:—
"Section 54C. Section 87C of chapter 112 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 10 and 11, the words and' PA', but no other designation in connection with the practice of public accountancy' and inserting in place thereof the following words:— PA', certified public accountants' and CPA'.
Section 54D. Said section 87C of said chapter 112, as so appearing, is hereby further amended by striking out the words abbreviation PA', in line 18, and inserting in place thereof the following words:— abbreviations PA and CPA.".
The amendment was adopted.

Ms. Jacques moved to amend the bill, in section 2, in item 7061-9626, by inserting after the word "Springfield" the following words:— "; provided, that the department of education shall study the establishment of a youthbuild program in the city of Attleboro and shall submit the results of said study to the senate committee on ways and means not later than December 30, 1998."
The amendment was adopted.
Mr. Jajuga moved to amend the bill by inserting after section 33 the following sections:—
"SECTION 33A. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby amended by striking out, in line 33, the words motor vehicles or'. SECTION 33B. Said section 1 of chapter 60A, as so appearing, is hereby further amended by striking out, in lines 39, 53 and 55, each time they appear, the words or dealer'.
SECTION 33C. Said section 1 of chapter 60A, as so appearing, is hereby further amended by inserting after the word taxes', in line 59, the following paragraph:—
A motor vehicle dealer to whom a general distinguishing number or mark has been issued shall, for the privilege of such registration, pay to the collector of taxes for the city or town in which such dealership is licensed, a special excise in the amount of $100.00 for each registration plate issued by the registrar of motor vehicles under such general distinguishing number or mark. Such motor vehicle dealer shall otherwise be exempt from the excise imposed by this section on any motor vehicle owned by such motor vehicle dealer, which motor vehicle may be operated by such dealer, the spouse of such dealer, a co-owner of such motor vehicle dealer or dealership entity, the spouse of such co-owner or any employee of such motor vehicle dealer whose duties involve the sale of motor vehicles at any time for any purpose including personal use; provided, however, that such employee renders at least 20 hours of service each week to such motor vehicle dealer; provided further, that such co-owner holds at least 40 per cent proprietary interest in such motor vehicle dealer or any such dealership entity; and provided further, that any motor vehicle which is operated under such general or distinguishing mark or number shall, at all times, display all notices and stickers required by applicable law to be eligible for sale."
The amendment was adopted.
Messrs. Brewer, Moore, Bernstein and Amorello moved to amend the bill by inserting after section 96C (inserted by amendment) the following section:—
"SECTION 96D. Chapter 48 of the Acts of 1997 is hereby amended by adding the following section:—
Section 28. All engineering personnel employed by Worcester, Hampden, and Hampshire counties in fiscal year 1998 shall be reclassified as state employees of the registry of deeds fiscal year 1999, provided further that the registry of deeds shall provide appropriate facilities for the housing of the said county engineering records."
After remarks, the amendment was adopted.
Messrs. Lees, Antonioni, Moore, Bernstein, Keating and Ms. Jacques moved to amend the bill by adding the following section:—
"SECTION 232. The secretary of the executive office of public safety shall conduct a study regarding the issue of curbing frivolous lawsuits by inmates and shall file a report and recommendations, together with any legislation necessary to implement the recommendations of the study, with the clerks of house and senate, the joint committee on the judiciary and the house and senate committees on ways and means no later than January 1, 1999."
The amendment was adopted.
Messrs. Lees, Tisei, Knapik, Tarr, Hedlund and Amorello moved to amend the bill by inserting after section 30 the following five sections:—
"SECTION 30A. Subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after paragraph (g) the following paragraph:
(g½) The period or periods during which any member in service of the teachers' retirement system was on unpaid leave of absence or resigned prior to 1975 for the purposes of maternity leave from the governmental unit in which the member was employed shall be allowed as creditable service, on a proportionate basis which the board shall determine according to rules and regulations adopted by the board and approved by the commission; provided, that no credit shall be allowed until such member has paid into the annuity savings fund of the system before any retirement allowance becomes effective for such member, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount that is equal to the regular deductions that would have been withheld from the member's regular compensation had the member continued in service on the same terms and conditions as immediately before said leave, plus regular interest; and provided further, that no credit shall be allowed and no payment shall be accepted until the member shall have completed ten or more years of membership service. The maximum creditable service allowable under this paragraph for any member shall not exceed four years.
SECTION 30B. Said subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby amended by inserting after paragraph (h) the following paragraph:—
(h½) A member in service of the teachers' retirement system employed in a vocational technical school approved by the department of education pursuant to chapter 74 may receive creditable service for any period or periods of work experience in the occupational field in which the member teaches, and which was required as a condition of the member's employment pursuant to regulations of the department of education, on a proportionate basis which the board shall determine according to rules and regulations adopted by the board and approved by the commission; provided, that no credit shall be allowed until such member has paid into the annuity savings fund of the system before any retirement allowance becomes effective for such member, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount that is equal to the regular deductions that would have been withheld from the member's regular compensation had such member been a member of the teachers' retirement system immediately prior to the start of his service; and provided further that no credit shall be allowed and no payment shall be accepted until the member shall have completed ten or more years of membership service. The maximum

creditable service allowable under this paragraph for any member shall not exceed four years.
SECTION 30C. Subdivision (1) of section 22 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—
(b) The treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system pertains, and the treasurer or other disbursing officer in charge of payrolls in any free public library the employees of which are eligible for membership in a system, shall, upon written notice from the board, withhold on each pay day 5 per cent of the regular compensation of each employee who is a member in service of the system, which is received on such day by such member on account of service rendered to him on or after January 1, 1946, and not later than the date of his attaining the maximum age for his group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof prior to January 1, 1975; withhold on each pay day 7 per cent of the regular compensation of each employee who is a member in service of the system, which is received on such day by such member on account of service rendered by him on or after January 1, 1975, and not later than the date of his attaining the maximum age for his group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1975, but prior to January 1, 1984; and withhold on each pay day 8 per cent of the regular compensation of each employee who is a member in service of the system, which is received on such day by such member on account of service rendered by him on or after January 1, 1984, and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1984, but before July 1, 1996; and withhold on each pay day 9 per cent of the regular compensation of each employee who is a member in service of the system. which is received on such day by such member on account of service rendered by him on or after July 1, 1996; and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after July 1, 1996; and withhold on each pay day 12 per cent of the regular compensation of each employee who is a member of the state police appointed pursuant to section 10 of chapter 22C, and is a member in service of the system, which is received on such day by such member on account of service rendered by him on or after July 1, 1996, and not later than the date of his attaining the maximum age for his group in the case of such employee who entered the service of said state police on or after July 1, 1996; and withhold on each pay day 10 percent of the regular compensation of each employee who participates in the alternative superannuation retirement benefit established under section 104; provided, however, that in the case of any teacher such withholding shall be made upon written notice from the school committee, board of trustees or other employing authority, to the treasurer or other disbursing officer of the political subdivision by which such teacher is employed.
SECTION 30D. Paragraph (b½) of said subdivision (1) of said section 22 of said chapter 32, as so appearing, is hereby amended by adding the following sentence:— The additional contributions required under this paragraph shall not apply to any employee who participates in the alternative superannuation retirement benefit program established under section 104."
"SECTION 30E. Chapter 32 of the General Laws is hereby amended by adding the following section:—
Section 104. (1) Notwithstanding the provisions of this chapter or any other general or special law to the contrary, there is hereby established an alternative superannuation retirement benefit for teachers who meet the requirements of membership for the teachers' retirement system and teachers employed by the city of Boston. Participation in said program shall be mandatory for all new teachers hired after the effective date of this act and for those teachers who have not vested in their retirement system as of the effective date of this act. Any non-vested member hired prior to the effective date of this act required to pay additional contributions with less than 25 years of creditable service upon retirement shall be reimbursed said additional contributions plus regular interest as determined by the teachers retirement board. Any member of the teachers' retirement system or any teacher employed by the city of Boston who has at least ten years of service may elect to participate in the alternative superannuation retirement benefit. Said election shall occur within 180 days of the effective date of this section. Said election to participate in the alternative superannuation retirement benefit shall be irrevocable. Any member who elects to participate shall be required to make a minimum of three years of retirement contributions at the rate of 10 per cent; provided, however, that if said member chooses to retire before he has made said three years of contributions at 10 per cent, said member shall pay, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular compensation for such three-year period.
(2) The normal yearly amount of the retirement allowance for an eligible employee who has completed at least 25 years of creditable service and has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section 5, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by 2 per cent per year for each full year upon completion of 25 years of creditable service. For any member who retires before completing 25 years of service, said member shall receive a retirement allowance equal to the retirement allowance that said member would have been eligible for had said member not participated in the alternative superannuation retirement benefit.
The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of this section, of any employee who retires and receives an additional benefit under the alternative superannuation retirement benefit shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation as the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater."; and by inserting after section 208 the following sections:—
"SECTION 208A. The public employee retirement administration commission in consultation with the teachers' retirement board shall analyze, study and evaluate the costs and actuarial liabilities attributable to the alternative retirement benefit program and

the increase in the members' contribution rate. Said report and any suggested legislative shall be filed with the joint committee on public service and the house and senate committees on ways and means on or before December 31, 2002, and every three years thereafter.

SECTION 208B. No employee shall be retired under the alternative retirement benefit program established under section 104 of chapter 32 of the General Laws before July 1, 1999."

Mr. Havern moved that the amendment be amended substituting the following text:

By inserting after section 189 the following section:—

"SECTION 189A. The public employee retirement administration commission shall conduct an analysis to determine the cost of an alternative retirement benefit for teachers. Said benefit to be analyzed shall include the following components: (a) all teachers who are not currently vested in the teachers retirement system shall participate, and those teachers who are vested in the teachers retirement system may choose to participate; (b) such creditable benefit shall be equal to the benefit provided under the current retirement system upon 25 years of creditable service plus 2 per cent, and for each year of creditable service beyond 25 years a retiree shall receive an additional 2 per cent to the retirement benefit provided under the current retirement system, up to the maximum benefit allowable under current law; teachers who left teaching before 1975 due to maternity may buy back up to four years of creditable service; (d) vocational education teachers may buy back up to four years of creditable service for their time spent in their vocation; (e) a teacher must participate in the alternative retirement benefit system for at least 3 years, or in order to retire within 3 years a teacher must contribute the equivalent of three years of his employee contribution; and (f) the retirement contribution of all teachers participating in this system shall be 10 per cent. Said commission shall report the results of such cost analysis by reporting the same to the house and senate committees on ways and means."

After debate on the question of adoption of the further amendment, Mr. Havern moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rules was suspended without a recorded yea and nay vote.

Pending the adoption of the further (Havern) amendment, at ten minutes past six o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at twenty-one minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

The further amendment was considered; and the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes before eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Durand, Robert A.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Pines, Lois G.
Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Lynch, Stephen F.	Tolman, Warren E.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne

—30.

NAYS.

Amorello, Matthew J.	Rauschenbach, Henri S.

Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	

—7.

ABSENT OR NOT VOTING

Berry, Frederick E.	Keating, William R.

—2.

The yeas and nays having been completed at ten minutes before eight o'clock P.M., the further amendment was adopted.
The pending (Lees, et al.) amendment was then adopted, as amended.
Messrs. Moore and Magnani moved to amend the bill by inserting after section 50 the following section:—
"SECTION 50A. Chapter 70 of the General Laws is hereby amended by adding the following section:—
Section 10. Notwithstanding any general or special law to the contrary, the commonwealth shall fully fund all education related state mandates by the means of state revenues."
The amendment was *rejected.*
Messrs. Tarr and Jajuga, Ms. Fargo and Mr. Durand moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. Notwithstanding any general or special law, rule, or regulation to the contrary, any facility utilizing waste-to-energy technology as a component of municipal solid waste plant technology in commercial use, which generates electricity for wholesale or retail sale and which has executed a contract with its member communities for refuse, garbage, and waste disposal services that expires on or before September 30, 2005, shall not be licensed to do business in the commonwealth by the department of telecommunication and energy pursuant to section 1F of chapter 164 of the General Laws, unless said contract for refuse, garbage, and waste disposal services executed by such facility and its member municipalities is in complete compliance with the provisions of paragraph (g) of section 21 of chapter 40D of the General Laws."
After remarks, the amendment was *rejected.*
Mr. Tarr moved to amend the bill by adding the following section:—
SECTION . Not withstanding any general or special law to the contrary, no employee of the Essex Agricultural and Technical Institute shall experience a change in employment status as a result of the provisions contained herein relative to Essex county and said institution."
The amendment was *rejected.*
Messrs. Tarr, Knapik, Hedlund and Tisei moved to amend the bill by inserting after section 57 the following section:—
"SECTION 57A. Section 16B of chapter 118E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 30, the words five hundred' and inserting in place thereof the following words one thousand'."
After debate, the amendment was *rejected.*
Messrs. Tarr, Rauschenbach and Morrissey moved to amend the bill by inserting after section 67 the following section:—
"SECTION 67A. Chapter 176M of the General Law is hereby amended by adding the following section:—
Section 7. When coverage for individuals in a closed health plan is replaced with coverage in a guaranteed issue health plan in the allowable three year period, nothing in this section shall preclude a carrier from maintaining the rates or limiting the rate increase for individuals formerly in the closed health plan during the remainder of the allowable three year period: provided, however, that such rates are lower than the prevailing rates guaranteed issue health plans."
The amendment was *rejected.*
Messrs. Tarr, Lees, Tisei, Knapik, Amorello, Rauschenbach and Hedlund moved to amend the bill by inserting after section 67 the following sections:—
"SECTION . Section 1 of chapter 176M of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by striking out the definition of Closed plan'.
SECTION . Section 1 of chapter 176M of the General Laws, as so appearing, is hereby amended by inserting after the definition of Base premium rate' the following definition:
'Bona fide association', an association that (1) has been actively in existence for at least five years; (2) has been formed and maintained in good faith for purposes other than obtaining insurance; (3) does not condition membership in the association on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee; (4) makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members, or individuals eligible for coverage through a member; (5) does not make health insurance coverage offered through the association available other than in connection with a member of the association; and (6) meets such additional requirements as may be imposed under the laws of the commonwealth.
SECTION . Said section 1 of said chapter 176, as so appearing, is hereby further amended by inserting after the definition of Carrier' the following definition:

'Church plan', a church plan as defined by section 3(33) of the Employee Retirement Income Security Act of 1974.
SECTION . Said section 1 of said chapter 176M, as so appearing, is hereby further amended by inserting after the definition of Financial impairment' the following two definitions:
'Governmental plan', a governmental plan as defined by section 3(32) of the Employee Retirement Security Income Act of 1974.
'Group health plan', a group health plan as defined by section 2791 (a) of the Public Health Service Act.
SECTION . Said section 1 of said chapter 176M, as so appearing, is hereby further amended by inserting after the definition of Health plan' the following definition:
'Health status-related factor', any of the following factors: (1) health status; (2) medical condition, including both physical and mental illnesses; (3) claims experience; (4) receipt of health care; (5) medical history; (6) genetic information; (7) evidence of insurability, including conditions arising out of domestic violence; (8) disability.
SECTION . Said section 1 of said chapter 176M, as so appearing, is hereby further amended by inserting after the definition of Modified community rate' the following definition:
'Network plan', a health plan under which the financing and delivery of medical care are provided, in whole or in part, through a defined set of providers under contract with the carrier.
SECTION . Said section 1 of said chapter 176M, as so appearing, is hereby further amended by inserting after the definition of Resident' the following definition:
'Short-term limited duration insurance', insurance provided pursuant to a contract with a carrier that has an expiration date specified in the contract, taking into account any extensions that may be elected by the policyholder without the carrier's consent, that is within 12 months of the date such contract becomes effective.
SECTION . The definition of Eligible individual' of said section 1 of said chapter 176M, as so appearing, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:—
(7) such individual's most recent coverage was not terminated based on a factor described in subparagraph (2)(I) or (2)(ii) of subsection (g) of section 3, relating to nonpayment of premiums or fraud. The term eligible individual' shall include the eligible dependents of an eligible individual.
SECTION . Said section 1 of chapter 176M is hereby further amended by striking out the definition of "Guaranteed issue managed care plan", as so appearing, and inserting in place thereof the following three definitions:
'Guaranteed issue managed care plan', a non-group health plan, including a conversion non-group plan, sold, issued, delivered, made effective or renewed by a carrier, within or without the commonwealth pursuant to chapter 176G or the laws of any other jurisdiction, to any eligible individual and for which the carrier may not decline to offer to offer to or deny enrollment of such eligible individual, subject to the exclusions set forth in this chapter, that provides the benefits specified in subsection of section 2. A carrier may establish no more than one guaranteed issue managed care plan.
'Guaranteed issue medical plan', a non-group health plan, including a conversion non-group health plan, sold, issued, delivered, made effective or renewed by a carrier, within or without the commonwealth pursuant to either chapter 175, 176A or 176B or the laws of any other jurisdiction, to any eligible individual and for which the carrier may not decline to offer to or deny enrollment of such eligible individual, subject to the exclusions set forth in this chapter, that provides the benefits specified in subsection of section two. A carrier may establish no more than one guaranteed issue medical plan.
'Guaranteed issue provider plan', a non-group health plan, including a Conversion non-group health plan, sold, issued, delivered, made effective or renewed by a carrier, within or without the commonwealth pursuant to chapter 176I or the laws of any other jurisdiction, to any eligible individual and for which the carrier may not decline to offer to or deny enrollment of such eligible individual, subject to the exclusions set forth in this chapter, that provides the benefits specified in subsection of section 2. A carrier may establish no more than one guaranteed issue preferred provider plan.
SECTION . Said section 1 of said chapter 176M, as so appearing, is hereby further amended by striking out the last two sentences in the definition of Health plan' and inserting in place thereof the following sentence:— The words health plan' shall not include accident-only insurance; credit-only insurance, limited-scope dental or vision benefits if offered separately; hospital indemnity or other fixed indemnity insurance if offered as independent, non-coordinated benefits, which for the purposes of this chapter shall mean policies issued pursuant to chapter 175 which provide a benefit not to exceed $250 per day, as adjusted on an annual basis by the amount of increase in the average weekly wage in the commonwealth as defined in chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent; coverage only for a specified disease or illness if offered as independent, non-coordinated benefits; disability income insurance, including disability income insurance issued as a supplement to liability insurance; insurance arising out of a worker's compensation law or similar law; auto-mobile medical payment insurance, insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance; long-term care insurance if offered separately; coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code; any policy subject to the provisions of chapter 176K; a medical expense reimbursement policy specifically designed to fill gaps in primary coverage, coinsurance, or deductibles if offered separately; or short-term limited duration insurance.
"SECTION . Section 2 of said chapter 176M, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:—
(b)(1) As a condition of offering non-group health plans for sale, issue, or delivery in the commonwealth, a carrier shall offer to eligible individuals at least one of the following guaranteed issue health plans: a guaranteed issue managed care plan, a guaranteed issue medical plan, or a guarantee issue preferred provider plan; provided, however, that nothing in this chapter shall prohibit a carrier from offering more than one guaranteed issue plan in the same service area, should it so choose.

(2) Paragraph (1) shall not be construed to require a carrier offering coverage only in connection with group health plans or through one or more bona fide associations to offer a non-group guaranteed issue health plan.
SECTION . Section 3 of said chapter 176M of the General Laws is hereby amended by striking out such subsection (a) and inserting in place thereof the following subsection:
(a) No carrier with respect to an eligible individual desiring to enroll in any guaranteed issue health plan, may decline to offer such coverage to, or deny enrollment of, any such individual nor impose any preexisting condition exclusion or waiting period in any guaranteed issue health plan.
SECTION . Said section 3 of said chapter 176M is hereby further amended by striking out subsection (b) and inserting in place thereof the following:
(b) In calendar year nineteen hundred and ninety-seven, the carrier shall enroll eligible individuals into guaranteed issue health plans during an open enrollment period commencing June first and ending July thirty-first with coverage to become effective September first. The commissioner may postpone said open enrollment period and effective date of coverage should a substantial number of carriers, due to substantial administrative delay, be unable to enroll eligible individuals into a guaranteed issue health plan during the open enrollment period commencing June first and ending July thirty-first; provided, however, that any carrier that is unable to enroll eligible individuals into a guaranteed issue health plan during the open enrollment period beginning July first and ending July thirty-first, for reasons other than substantial administrative delay, may be subject to a fine of one thousand dollars for every day in which it is unable to enroll such eligible individuals in said guaranteed issue health plan and any other penalties available under this chapter. In every year thereafter, a carrier shall enroll eligible individuals into guaranteed issue health plans during an open enrollment period commencing October first and ending November thirtieth of each year, with coverage to becoming effective the following January first.
(1) A carrier shall enroll an eligible individual into a guaranteed issue health plan at a time outside the open enrollment period if such individual requests guaranteed issue coverage either (I) within 30 days of the event which caused him to meet the definition of an eligible individual or (ii) within sixty-three days of termination of any coverage wider a group health plan, governmental plan or church plan. Coverage shall become effective within thirty days of the date of application, subject to reasonable verification of eligibility.
(2) A carrier may enroll eligible individuals into guaranteed issue health plans outside of the open enrollment period; provided, however, that the term and conditions that apply outside of the open enrollment period are identical to the terms and conditions that apply during the open enrollment period. Coverage shall become effective within thirty days of the date of application, subject to reasonable verification of eligibility pursuant to said paragraph (d) of said section four.
SECTION . Said section 3 of said chapter 176M, as so appearing, is hereby further amended by striking out subsection (d).
SECTION . Subsection (e) of said section 3 of said chapter 176M, as so appearing, is hereby further amended by striking out the second sentence.
SECTION . Said section 3 of said chapter 176M, as so appearing, is hereby further amended by striking out subsections (f), (g) and (h) and inserting in place thereof the following subsections:
(f) A carrier shall not be required to issue a guaranteed issue health plan to any eligible individual if the carrier can demonstrate any of the following: (1) that the acceptance of applications would create for the carrier a condition of financial impairment and the carrier demonstrates the same to the commissioner; (2) that the eligible individual does not meet a networks plan's requirements regarding residence or employment within the plan's approved service area; or (3) that within an area the network plan reasonably anticipates, and demonstrates to the satisfaction of the commissioner, that it will not have the capacity in its network of providers to deliver services adequately to the individual because of its obligation to existing contract holders and enrollees; provided, however, that the network plan shall not offer coverage in the applicable area to any new applicants for coverage, whether they be applicants for group or non-group coverage, until the later of 180 days after each such refusal or the date on which the network plan notifies the commissioner that it has regained capacity to deliver services to eligible individuals. A carrier shall apply this subsection uniformly to individuals without regard to any status-related factor of such individuals and without regard to whether the individuals are eligible individuals.
(g) (1) except as provided in paragraph (2), a carrier that provides a non-group health plan to an individual shall renew or continue in force such coverage at the option of the individual;
(2) A carrier may non-renew or discontinue a non-group health plan of an individual based only on one or more of the following: (I) the individual has failed to pay premiums or contributions in accordance with the terms of the non-group health plan or the carrier has not received timely premium payments; provided, however, that a premium shall be considered to have been paid on a timely basis for a guaranteed issue health plan if it is paid within 60 days; (ii) the individual has performed an act or practice that constitutes fraud or made an intentional misrepresentation of whether he qualifies as an eligible individual for a guaranteed issue health plan or made an intentional misrepresentation of material fact under the terms of the non-group health plan coverage; (iii) the carrier is ceasing to offer coverage in the non-group market in accordance with subsection (h); (iv) in the case of a carrier that offers health insurance coverage in the non-group market through a network plan, the individual no longer resides, lives or works within the plan's approved service area, but only if such coverage is terminated under this subsection uniformly without regard to any health status-related factor of covered individuals; (v) in the case of non-group health coverage that is made available only through one or more bona fide associations, the membership of the individual in the association, on the basis of which the coverage is provided, ceases, but only if such coverage is terminated uniformly without regard to any health status-related factors of covered individuals.
(3) At the time of coverage renewal of a non-group health plan, the carrier may modify the policy form for such plans so long as modifications is consistent with the General Laws or mandated by the General Laws and effective on a uniform basis among all

individuals with that policy form. In the case of a guaranteed issue health plan, such modification shall be consistent with changes in the standard benefits as determined by paragraph (3) of subsection of section 2.
(h)(1) In any case in which a carrier decides to discontinue offering a particular type of non-group health plan, coverage of such type may be discontinued by the carrier only if: (I) the carrier provides notice to each covered individual provided coverage of this type of such discontinuation at least ninety days prior to the date of the discontinuation of such coverage; (ii) the carrier offers to each individual provided coverage of this type the option to purchase any other non-group health plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under clause (ii), the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage.
(2) In any case in which a carrier decides to discontinue offering all non-group health plans, health insurance coverage may be discontinued by the carrier only if: (I) the carrier provides notice to the commissioner and to each individual of such discontinuation at least one hundred and eighty days prior to the date of the expiration of such coverage; and (ii) all non-group health plans are discontinued and coverage under such plans is not renewed. In the case of a discontinuation under this paragraph, the carrier may not provide for the issuance of any non-group health plan in the commonwealth during the five-year period beginning on the date of the discontinuation of the last non-group health plan not so renewed; provided, however, that this requirement shall not apply to a carrier that discontinued offering all non-group health plans prior to the effective date of this section.
(I) In applying subsections (g) and (h) in the case of a nongroup health plan that is made available by a carrier in the non-group market to individuals only through one or more associations, a reference to an individual' or eligible individual' shall be deemed to include a reference to such association of which the individual is a member.
(j) The provision of section 2701(e) of the Public Health service Act regarding certifications and disclosure of coverage shall apply to non-group health plans in the same manner as it applies to health plans offered in the small or large group market.
(k) Notwithstanding any general or special law to the contrary, a non-group heath plan sold to an individual before the individual attains Medicare eligibility shall contain a provision stating that the plan will exclude payment under the plan to the extent that Medicare pays for a benefit or service, and the carrier shall reduce the premium rate charged to an individual according to the parts of Medicare in which the individual is enrolled.
SECTION . Subsection (a) of section 4 of said chapter 176M, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:—
(1) Each carrier shall establish a base premium rate for each rate basis type within each guaranteed issue health plan it offers. The premium rate charged to any eligible purchaser shall be limited to the base premium rate multiplied by the factors specified in paragraphs (2) and (3). In no event shall the base premium rate established for a guaranteed issue health plan exceed by more than 100 per cent of the average base premium rate for the same or similar non-group heath plan offered on a non-guaranteed issue basis by the five non-group insurers with the highest non-group premium volume during the previous calendar year.
SECTION . Subsection (a) of section 5 of said chapter 176M, as so appearing, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following two paragraphs:—
(1) Each carrier that issues, delivers or renews any non-group health plan shall, before the use thereof, file with the commissioner the rates, fees and other charges paid by health plan members. Each carrier shall also submit a copy of its non-group rate filing to the non-group health insurance advisory board. The board may include information from non-group rate filings in its annual consumer's guide.
(2) Non-group rate filings shall contain the following information:
(I) the base premium rate to be charged within each rate basis type for each guaranteed issue plan and for any other non-group health plans;
(ii) the age and geographic adjustments to be charged within each rate basis type for each guaranteed issue plan and any adjustments to be charged for any other non-group health plan;
(iii) the composite rate for each guaranteed issue health plan;
(iv) the adjusted composite rate for each guaranteed issue health plan;
(v) a memorandum signed by an actuary certifying that the rates for each guaranteed issue health plan have been developed in accordance with section four, including the rate bands and multipliers specified therein, and that the rates for all non-group health plans offered by the carrier are reasonable in relation to the benefits provided; and
(vi) a comparison of current and proposed rates for each guaranteed issue health plan which shows premium cost components, including but not limited to the cost of prescription drugs administered on an outpatient basis, stated as a percentage of premium.
SECTION . Said chapter 176M is hereby amended by striking out section 6, as so appearing, and inserting in place thereof the following section:—
Section 6. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:
'Claims', the dollar amount of benefits paid by a member for individuals covered by a health plan, including any surcharge paid pursuant to section 18A of chapter 118G. The term claims' shall not include administrative costs, allocated loss adjustment expenses, reserves, or other overhead costs or any portion of a capitated payment not attributable directly to reimbursement for costs incurred to provide medical goods or medical services to an enrollee. The commissioner shall, by administrative regulation, establish a method of determining the dollar amount of claims paid by a member for purposes of calculating reimbursable losses on guaranteed issue health plans.
'Market share', the ratio of the sum of the number of individuals covered under health plans provided by a member and the

number of individuals covered by health benefits coverage for which such member provides stop-loss insurance to the sum of the total number of individuals covered under health plans provided by all members and the total number of individuals covered by heath benefits coverage for which members provide stop-loss insurance.
'Member', a member of the Massachusetts Non-group Health Reinsurance Plan established by this section.
'Premiums', amounts paid to plan members to purchase health plans, including all amounts paid however denominated and including, but not limited to, amounts indicated as being charged for administrative costs, allocated loss adjustment expenses, reserves, or other overhead costs.
'Reimbursable losses', the dollar amount by which claims incurred in any calendar year by a member for guaranteed issue health plans exceeds 90 per cent of premiums collected during that year from enrollees in such plans.
'Stop-loss carrier', any persons providing stop-loss insurance or health benefits coverage.
(b) There is hereby established a nonprofit entity to be known as the Massachusetts Non-group Health Reinsurance Plan. Any carrier or stop-loss carrier doing business in the commonwealth shall be a member of said plan.
Such plan shall be prepared and administered by a governing committee appointed by the governor, consisting of five members representing non-group and group carriers doing business in the commonwealth. At least one member of the governing committee shall be a domestic carrier. The governing committee shall be responsible for hiring employees of the plan. The initial appointments of two of the members shall be for a term of three years. The initial appointment of two of the members shall be for a term of two years. The initial appointment of one of the members shall be for a term of one year. All appointments thereafter shall be for a term of three years. Meetings of the governing committee shall be conducted in accordance with the provisions of section 11A of chapter 30A.
(d) The governing committee shall submit to the commissioner a plan of operation. The commissioner shall, after notice and hearing approve or disapprove the plan of operation. Subsequent amendments to such plan shall be deemed approved by the commissioner if not expressly disapproved in writing by the commissioner within thirty days from the date of the filing of such amendments.
For each calendar year in which the plan is operating, every member shall report to the plan, in a form and at the time designated by the governing committee, the following information for that year: (I) such information deemed necessary by the plan to determine the total number of individuals insured by each member under a health plan as of December 31 or covered by health benefits coverage for which a member provides stop-loss insurance as of December 31; (ii) the number of guaranteed issue health plans provided by the member that were in force as of December 31; (iv) the amount of premiums received by the member during the calendar year from enrollees in guaranteed issue health plans; (v) the amount of claims paid by the member for guaranteed issue health plans during the calendar year; (vi) any other information that the governing committee may reasonably need to fulfill its duties under this section and that is approved by the commissioner for collection. Information submitted to the plan shall be certified by an officer of the member.
(f) At the end of each calendar year and based on the reports filed under subsection (e), the plan shall: (I) assess each member of the plan an amount equal to the member's market share multiplied by the total amount of reimbursable losses incurred by all members for that calendar year; (ii) reimburse each member for reimbursable losses incurred by the member for that calendar year. With respect to a member that will be expected both to pay an assessment and receive a reimbursement, the plan shall calculate the net amount owed by or due to, the member and shall assess or reimbursement the member based on that amount.
(g) Members are entitled to a credit for all assessments paid under this section against the excise on gross premiums, subject to chapter 63, that is due and payable in the same year in which the assessment is due and payable.
(h) This section shall apply to losses on guarantee issue plans issued or renewed pursuant to the next open enrollment period after the effective date of this section.
"SECTION . Subsection (b) of section 3 of chapter 176J of the general laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the last paragraph.
SECTION . Subsection (a) of section 4 of said chapter 176J of the General Laws, as so appearing, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:—
(4) A carrier shall not be required to issue a health benefit plan to an eligible small business if the carrier can demonstrate to the satisfaction of the commissioner that: (a) the small business fails at the time of issuance or renewal to meet a participation requirement established in accordance with the definition of participation rate in section 1; (b) acceptance of an application or applications would create for the carrier a condition of financial impairment, and the carrier makes such a demonstration to the same commissioner; or a carrier that offers health benefit plans through a preferred provider arrangement network plan under chapter 176I may: (I) limit the eligible small business that may apply for such coverage to those with eligible individuals who live, work, or reside in the service area for such network plan; and (ii) within the service area of such plan, deny such coverage to such employers if the carrier has demonstrated, if required, to the applicable state authority that it will not have the capacity to deliver services adequately to enrollees of any additional groups because of its obligations to existing group contract holders and enrollees, and it is applying this paragraph uniformly to all employers without regard to the claims experience of those employers and their employees, and their dependents, or any health status-related factors relating to such employees and dependents. A carrier, upon denying health benefit plans in any service area in accordance with this paragraph, may not offer coverage in the small group market within such service area for a period of 180 days after the date such coverage is denied.
SECTION . Said section 4 of said chapter 176J, as so appearing, is hereby further amended by striking out subsection and inserting in place thereof the following five subsections:—
A carrier shall not be required to renew the health benefit plan of an eligible small business if: (1) the carrier is ceasing to offer coverage in the small employer group market in accordance with section (4) and is consistent with the General Laws; (2) in the

case of a health insurance carrier that offers health benefit plans in the market through a network plan, there is no longer any enrollee in connection with such plan who lives, resides or works in the service area of the carrier, or in the area for which the carrier is authorized to do business, and, in the case of the small group market, the carrier would deny enrollment with respect to such plan under clause of paragraph (4) of subsection (a); (3) in the case of a health benefit plan that is made available in the small group market only through one or more bona fide associations, the membership of an employer in the association, on the basis of which the coverage is provided, ceases, but only if such coverage is terminated wider this paragraph uniformly without regard to any health status-related factor relating to any covered individual.

(d) In any case in which a carrier decides to discontinue offering a particular type of group health benefit plan offered in the small group market, coverage of such type may be discontinued by the carrier in accordance with the General Laws in such market only if: (1) the carrier provides notice to each plan sponsor provided coverage of this type in such market (and participants and beneficiaries covered under such coverage) of such discontinuation at least 90 days prior to the date of the discontinuation of such coverage; (2) the carrier offers to each plan sponsor provided coverage of this type in such market, the option to purchase all other health benefit plans currently being offered by the carrier to a group health plan in such market; and (3) in exercising the option to discontinue coverage of this type and in offering the option of coverage under clause (2), the carrier acts uniformly without regard to the claims experience of those sponsors or any health status-related factor relating to any participants or beneficiaries covered or new participants or beneficiaries who may become eligible for such coverage.

(e) In any case in which a health insurance carrier elects to discontinue offering all health benefit plans in the small group market in the commonwealth, health benefit plans may be discontinued by the carrier only in accordance with the laws and if (I) the carrier provides notice to the commissioner and to each plan sponsor, and participants and beneficiaries covered under such coverage, of such discontinuation at least 180 days prior to the date of the discontinuation of such coverage; and (ii) all health insurance issued or delivered for issuance in the commonwealth in the small group market is discontinued and coverage under such health benefit plans in such market is not renewed.

(f) In the case of a discontinuation under subsection (e) in the small group market, the carrier may not provide for the issuance of any health benefit plan in the commonwealth in such market involved during the 5 year period beginning on the date of the discontinuation of the last health benefit plan not so renewed; provided, however, that this provision shall not apply to carriers that discontinued small group health benefit plans prior to the effective date of this section.

(g) At the time of coverage renewal, a health insurance carrier may modify the health benefit plans for a product offered to a group health plan in the small group market if for coverage that is available in such market other than only through one or more bona fide associations, such modification is consistent with the General Laws and effective on a uniformed basis among group health plans with that product.

In applying this section in the case of health benefit plans that are made available by a health insurance carrier in the small group market to employers only through one or more associations, a reference to plan sponsor' is deemed, with respect to coverage provided to an employer member of the association, to include a reference to such employer.

(I) The commissioner shall promulgate regulations to enforce the provisions of this section."; and by adding the following section:—

"SECTION . Sections 67A to 67, inclusive, shall apply to non-group plans issued or renewed following the effective date of this act."

After remarks, the amendment was *rejected.*

Mr. Amorello moved to amend the bill by adding the following section:—

"Section . Notwithstanding the provisions of chapter 180 of the General Laws, or any other general or special law to the contrary, upon local option of any city or town deductions on payroll schedules may be made from the salary of any employee of the city or town of any amount which such employee may specify in writing to the city or town treasurer/collector for the payment of a contribution to the education foundation of said city or town. Any such authorization may be withdrawn by the employee by giving at least 30 days written notice of such withdrawal to the city or town treasurer/collector. The city or town treasurer/collector shall deduct from the salary of such employee such amount of contributions as may be certified to said treasurer/collector on the payroll and transmit the sum so deducted to the education foundations; provided, however, that the city or town treasurer/collector is satisfied by such evidence as he may require that the treasurer of the education foundation has given said foundation a bond for the faithful performance of his duties, in a sum and with such surety or sureties as are satisfactory to the city or town treasurer/collector."

After remarks, the amendment was *rejected.*

Mr. Amorello moved to amend the bill by inserting after section 30 the following three sections:—

"Section 30A. Section 8 of chapter 44 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word television,' in line 50, the following words:— or telecommunications.

Section 30B. Said section 8 of said chapter 44, as so appearing, is hereby further amended by inserting after the word television,' in line 65, the following words:— or telecommunications.

Section 30C. Said section 8 of chapter 44, as so appearing, is hereby further amended by inserting after the word antenna,' in line 75, the following words:— or telecommunications."; and by inserting after section 67 the following seven sections:—

Section 67A. Section 12 of chapter 159 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word commonwealth,' in line 5, the following words:— except when such services are provided by a municipality that provides telecommunications services pursuant to section 34C of chapter 164.

Section 67B. Section 12 of said chapter 159 ,as so appearing, is hereby amended by adding the following sentence:— The provision of such services by a municipally owned telecommunications system organized pursuant to chapter 164, shall be

exempt from regulation under this chapter.
Section 67C. Chapter 164 of the General Laws, is hereby amended by inserting after section 34B, inserted by section 196 of Chapter 164 of the acts of 1997, the following section:—
Section 34C. A municipal lighting plant established pursuant to this chapter or any general or special law is hereby authorized to construct, purchase or lease, and maintain within its service territory facilities for the distribution or for the operation of a telecommunications system for municipal use or for the use of its inhabitants. Such municipal light plants may incur debt for same by a vote taken in the manner prescribed in section 8 of chapter 44. Such facilities may include suitable land, structure and machinery and other apparatus and appliance for operating a telecommunications system. A town, engaged in the business of operating a telecommunications system, may as a part of such business if an appropriation is made therefor, rent, lease, or sell for cash or credit at prevailing retail prices, install and service, within the territory served by such business, merchandise, equipment, utensils and chattels of any description, incidental or auxiliary to the operation of said telecommunications system or the use to its customers or necessary or expedient in the protection or management of its property used in such business. Wherever applicable, the provision of this chapter and chapter 44 which apply to the operation and maintenance of a municipal light plant shall apply also to the operation and maintenance of such a telecommunications system.
Section 67D. Section 1 of chapter 166 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— For purposes of sections 1 to 10, inclusive, company' shall not include a municipality that provides telephone services pursuant to section 34C of chapter 164. Section 67E. Section 11 of said chapter 166, as so appearing, is hereby amended by inserting after the word corporation', in line 12, the following words:— and municipality.
Section 67F. Section 13 of said chapter 166, as so appearing, is hereby amended by adding the following sentence:— For purposes of section 13 to section 15D, inclusive, the words person' or company' shall also include a municipality that provides telephone services pursuant to section 34C of chapter 164.
Section 67G. The definition of Common carrier' in section 15E of said chapter 166, as so appearing, is hereby amended by adding the following sentence:— For purposes of this section common carrier' also shall include a municipality that provides telecommunications services pursuant to section 34C of chapter 164."; and by inserting after section 87 the following sections:
"Section 87A. Section 1 of chapter 258 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word plant', in line 42, the following words:— or community antenna television or telecommunications system."
After remarks, the amendment was *rejected.*
Messrs. Moore, Lynch and Panagiotakos moved to amend the bill by inserting after section 206F (inserted by amendment) the following section:—
"SECTION 206G. The Public Employee Retirement Administration Commission shall prepare a status report, including an analysis and recommendations for adjustment or change, of the fee and expense schedule established by the house and senate committees on ways and means pursuant to paragraph of subdivision (3) of section 6 of chapter 32 of the General Laws. Said commission shall file a report with the house and senate committee on ways and means not later than July 15, 1998."
The amendment was adopted.
Mr. Rauschenbach moved to amend the bill by inserting after section 206 the following section:—
"SECTION 206A. The executive office of health and human services and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the variable costs associated with the cost of goods, services and housing."
The amendment was *rejected.*
Mr. Havern moved to amend the bill, in section 2, in item 6010-1000, by adding the following words:— "; and provided further, that the amount appropriated herein, $130,000 shall be expended for the purposes of cleaning the storm drain discharging into the southwest corner of Spy pond in the town of Arlington and for the removal of the existing sandbar in said Spy pond".
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 7007-0900, by adding the following proviso:— "; and provided further, that not less than $50,000 shall be provided in matching grants to the town of Hull for the purpose of one-time costs involved with increasing awareness of and improving tourist attractions, recreation facilities and coastal resources in the town concurrent with supporting the effort to convince the national lighthouse museum to establish its permanent site in said town, so long as none of funds utilized by said town to qualify for matching funds originates from assistance provided through a local tourist council".
The amendment was *rejected.*
Subsequently, there being no objection, on motion of Mr. Hedlund, the Senate considered no action having been taken on this amendment.
The amendment was further considered; and it was adopted.
Messrs. Pacheco and Morrissey moved to amend the bill, in section 2, in item 7061-0011, by adding the following proviso:— " provided further, that the cities, towns and regional school districts whose chapter 70 distributions have been reduced as a direct result of the change in use from the 1980 based labor market areas to the 1990 based labor market areas, in fiscal year 1998, for the purposes of calculating fiscal year 1999 chapter 70 distributions, receive priority consideration in applying for these funds."
The amendment was *rejected.*
Subsequently, there being no objection, on motion of Mr. Pacheco, the Senate considered no action having been taken on this amendment.
There being no objection, the amendment was then withdrawn.

Mr. Tarr moved to amend the bill by inserting after section 96 the following section:—
"SECTION 96A. Chapter 28 of the acts of 1996 is hereby amended by adding the following section:—
Section 30. There is hereby established within the Massachusetts Business Development Council, a commercial Fishing Vessel Conservation Loan Fund, hereinafter referred to in this section as the conservation fund. It shall be the objective of said conservation fund to provide a portion of the capital necessary to allow commercial fishing vessels licensed by the commonwealth to convert from present ground fishing capabilities to more inclusive fish harvesting technologies. Any commercial vessel licensed by the commonwealth and owned by a resident of the commonwealth, corporation, or partnership may apply to the Massachusetts Business Development Office for a conversion loan, subject to the following conditions:
(a) the maximum loan provided by the conversion fund for any single vessel shall not exceed five hundred thousand dollars;
(b) each conversion fund loan shall make its best effort to match the dollar amount from another financing source, the amount of which may be determined by the Massachusetts Business Development Council, with the conversion fund giving priority to loan applications that have received local community or industry funds as a source of matching loan or grant funds; and
the conversion fund loan shall be subject to such terms and conditions as may be approved from time to time by the Massachusetts Business Development Council, including, but not limited to, any rules and regulations promulgated to effectuate the purposes of this section."
The amendment was *rejected.*
Mr. Keating, Ms. Melconian, Messrs. Nuciforo and Lees moved to amend the bill by inserting after section 67 the following section: —
"SECTION 67A. Subsection (a) of section 4 chapter 176M, as appearing in the 1996 Official Edition, is hereby amended by inserting after paragraph (4) the following paragraph:—
(5) Nothing herein shall preclude a carrier from directly subsidizing the premium rate established pursuant to this section charged to eligible individuals who meet eligibility criteria established by the carrier, including individual or household income and asset tests, to assess economic need."
The amendment was *rejected.*
Ms. Walsh and Mr. Montigny moved that the bill be further amended by inserting after section 118A (inserted by amendment) the following section:—
"Section 118B. Notwithstanding the provisions of any general or special law to the contrary, the division of health care finance and policy, in consultation with the division of medical assistance, shall develop a process for granting waivers to nursing facilities for capital projects for which an application for a determination of need was filed before March 7, 1996 but such determination of need was not approved until after March 7, 1996. For nursing facility capital projects that are granted such waivers, the capital component of the nursing home rate shall be calculated as though the determination of need for such project had been approved before March 7, 1996."
The amendment was adopted.
Messrs. Lees and Jajuga moved that the bill be amended by inserting after section 206E (inserted by amendment) the following section:—
"SECTION 206F. Notwithstanding the provisions of any general or special law to the contrary, the administrators of the Massachusetts criminal justice training council shall work in coordination with the board of higher education to study the feasibility of developing a certified program or certified course for academic alternative preservice training at the higher education facilities. The results of such study shall be reported to the senate present, the speaker of the house of representatives, the senate minority leader, the house minority leader, the joint committee on public safety and the house and senate committees on ways and means not later than December 31, 1998".
The amendment was adopted.
Messrs. Tarr and Lees moved to amend the bill by inserting after section 206D (inserted by amendment) the following section:
"SECTION 206E. The department of education shall conduct a study of special education transportation for the purpose of improving the provision of transportation services to children with special needs who attend out-of-district school programs pursuant to chapter 71B of the General Laws. Said department shall report the results of such study to the joint committee on education, arts and humanities and the house and senate committees on ways and means not later than December 1, 1998.
The amendment was adopted.

Supplemental Appropriation Bill.

There being no objection, during consideration of the Orders of the Day, the following matter was considered.
The House Bill making appropriations for the fiscal year 1998 to provide for certain capital and supplemental appropriations (House, No. 5427) was read a third time.
Pending the question on passing the bill to be engrossed, Ms. Murray and Mr. Rauschenbach moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that $500,000 shall be made available for the development of the marine life center, so-called, in the town of Bourne; provided, however, that said funds shall be matched by private contributions totaling $500,000."
The amendment was *rejected.*
Ms. Murray moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that $7,000,000 shall be allocated for a one-time payment for the renovation of the town of Plymouth's building known as Memorial hall; provided, however, that said funds shall be matched by the town of Plymouth".

The amendment was *rejected.*
Mr. Creedon moved to amend the bill, in section 2, in item 7004-8998, by adding the following words:— "; and provided further, that not more than $180,000 shall be made available to the Brockton Housing Authority for the installation of an emergency generator at the Crosby Garden Elderly Housing Project Development".
The amendment was *rejected.*
Mr. Brewer moved to amend the bill, in section 2, in item 2120-8998, by adding the following words:— "; and provided further, that not less than $50,000 shall be expended for the design and repair of the historic one-room schoolhouse at Moore state park in the town of Paxton".
The amendment was *rejected.*
Mr. Brewer moved to amend the bill, in section 2, by inserting after item 1102-7997 the following item:—

"0000-0000	For the environmental site remediation of the Belchertown state school	3,700,000".

The amendment was *rejected.*
Ms. Pines moved to amend the bill, in section 2, by inserting after item 2200-8998 the following item:—

"2440-1982	For the repair of the fish ladder at the Charles river dam and the rehabilitation of the aeration system in the Charles river basin in the city of Boston; provided, that the commissioner shall submit a comprehensive plan for the long-term maintenance and upkeep of said fish ladder and aeration system to the house and senate committees on ways and means no later than January 15, 1999	530,000".

The amendment was *rejected.*
Ms. Pines moved to amend the bill, in section 2, by inserting after item 2200-8998 the following item:—

"2441-0000	For the costs associated with the management of aquatic nonnative plants in the Charles river lakes district, including treatment and monitoring; provided, that funds appropriated in this item shall be in addition to any amounts previously appropriated and made available for such purposes	80,000".

The amendment was *rejected.*
Ms. Pines moved to amend the bill, in section 2, by inserting after item 2000-8998 the following item:—

"2100-3012	For the planning, design, permitting and implementation of flood mitigation and environmental restoration projects in the Muddy river in Boston and the town of Brookline	1,500,000".

The amendment was *rejected.*
Ms. Pines moved to amend the bill, in section 2, by inserting after item 2000-8998 the following item:—

"2120-8882	For improvements to the Emerald Necklace' Olmstead park system in the city of Boston and the town of Brookline, including Franklin park, Olmstead park and Jamaica pond, the River way and the Back Bay fens	1,410,000".

The amendment was *rejected.*
Ms. Pines moved to amend the bill, in section 2, by inserting after item 7066-0115 the following item:—

"xxxx-xxxx	For the University of Massachusetts at Amherst, Soil and Science Department, for the purpose of collecting data from, and evaluating innovative greywater recycling systems	50,000".

The amendment was *rejected.*

Mr. Nuciforo moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that $20,000 shall be expended to repair the wing wall at Wild Acres wildlife sanctuary in the city of Pittsfield".

The amendment was *rejected.*

Mr. Nuciforo moved to amend the bill, in section 2, in item 7004-7997, by inserting after the words "Mount Wachusett community college" the following words:— "; provided further, that not less than $150,000 shall be expended for renovations to the administration building at Berkshire community college".

The amendment was *rejected.*

Mr. Tolman moved to amend the bill, in section 2, in item 2000-8998, by adding the following words:— "; provided further, that not less than $3,000,000 shall be granted to the town of Belmont for the purpose of acquisition of open space land at the McLean Hospital site; provided that said town shall grant conservation restrictions and public access easements in at least 100 acres of such open space to the metropolitan district commission for no consideration, and provided that other sources match said funds with at least $3,000,000 toward the total costs of further open space acquisition"; and, in said section 2, in said item 2000-9889, by striking out the figure "5,000,000" and inserting in place thereof the following figure:— "8,000,000".

The amendment was *rejected.*

Mr. Montigny moved to amend the bill, in section 2, in item 7004-7997, by inserting after the words "Holbrook and Randolph" the following words:— "; provided further, that not more than $500,000 shall be expended to the town of Dartmouth Fire District No. 3 for the purchase of a fire suppression apparatus to provide for fire protection to the University of Massachusetts at Dartmouth and the Bristol county correctional facility; and provided further that said funds shall not be allotted or disbursed prior to the commencement of $150,000 in matching funds from the town of Dartmouth for such fire suppression apparatus;"; and, in said section 2, in said item 7004-7997, by striking out the figure "17,581,000" and inserting in place thereof the following figure:— "18,081,000".

The amendment was *rejected.*

Mr. Montigny moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. Item 2000-6966 of section 2 of chapter 28 of the acts of 1996 is hereby amended by striking out the words provided further, that five hundred thousand dollars shall be allocated to the department of environmental management for the design and construction of a roll-on, roll-off intermodal ferry terminal in the port of New Bedford serving passengers, vehicles and freight' and inserting in place thereof the following words:— and provided further, that up to $1,500,000 shall be allocated to the department of environmental management for the design and construction of a roll-on, roll-off intermodal ferry terminal to be located at the New Bedford aquarium site or an appropriate site to be determined within the city of New Bedford;".

The amendment was *rejected.*

Messrs. Bernstein and Amorello moved to amend the bill, in section 2, in item 2120-8998, by adding the following words:— "; provided further, that not less than $150,000 shall be expended for the repair and renovation of the boathouse at Regatta point in the city of Worcester".

The amendment *rejected.*

Messrs. Bernstein and Amorello moved to amend the bill by inserting after section 16 the following section:—

"SECTION 16A. The department of environmental management shall designate the walking track located at the Quinsigamond state park in the city of Worcester as the State Representative Andrew Collaro walking track'; provided, however, that the tennis courts located in said state park shall be designated as the Senator Daniel J. Foley tennis courts'."

The amendment was adopted.

Mr. Berry moved to amend the bill by inserting after section 16A (inserted by amendment) the following section:—

"SECTION 16B. Notwithstanding the provisions of any general or special law to the contrary, North Shore Community College, with the approval of the board of higher education, may borrow an amount not to exceed $12,000,000 through the Massachusetts Health and Educational Facilities Authority or any other authorized funding source."

The amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2, item 7004-8998 by adding the following words:— "; and provided further, that not less than $300,000 shall be expended for capital improvements in various housing developments operated by the Lynn Housing Authority."

The amendment was *rejected.*

Messrs. Rosenberg and Travaglini move to amend the bill, in section 2, by striking out item 2120-7997 and inserting in place thereof the following item:—

"2120-7997	For repairs and improvements to dams, waterways, and fish ladders; provided, that the department of environmental management shall effect repairs and improvements to Blood	4,200,000";

Pond dam, the Wallum lake boat ramp at Douglas state forest, fish ladders in the towns of Kingston and Pembroke, dams at the Hamilton Reservoir, the Forge Pond dam in the town of East Bridge-water, publicly owned dams in the towns of Carver, Halifax, Kingston and Plymouth, the dams at Lake Monomonac and seawalls in the town of Scituate; provided further, that $650,000 shall be expended for the state share of engineering, study and design for construction of a seawall in the town of Marblehead; provided further, that $1,000,000 shall be expended to eradicate nonnative aquatic plant life, including $15,000 for such eradication efforts at Mirror lake in the towns of Norfolk and Wrentham and $15,000 at Warners pond in the town of Concord; provided further, that $50,000 shall be expended for the treatment of algae and removal of siltation at Winter pond along the Aberjona river in the town of Winchester; provided further, that $100,000 shall be expended to mitigate erosion problems at Kitchen brook in the town of Cheshire; provided further, that $20,000 shall be expended to repair the wing wall, so-called, at the Wild Acres wildlife sanctuary in the city of Pittsfield; provided further, that not more than $100,000 shall be made available for the repair or rehabilitation of the Doublebrook dam in the town of Middleboro; provided further, that not more than $580,000 shall be expended for a boat ramp facility on the Merrimac river in the city of Lowell including, but not limited to, the development of design and engineering plans, site preparation, construction and installation of double boat ramp, trailer spaces, a parking area, a headwall, drainage pipes, curbing and other amenities; and provided further, that $140,000 shall be expended for the completion of the river walk, so-called, along the Ipswich river in the town of Ipswich

and, in said section 2, by striking out item 2120-8998 and inserting in place thereof the following item:—

"2120-8998	For improvements to parks and other facilities as provided herein by the department of environmental management; provided, that $48,000 shall be expended for the completion of construction and rehabilitation of the low-level gate, so-called, and the surrounding area at Merino pond in the town of Dudley; provided further, that $500,000 shall be expended for the acquisition of a weed harvester for use by the city of Springfield, the town of East Longmeadow and the Wilbraham parks department for use in the ponds, lakes and other waterways in the greater Springfield area; provided further, that $775,000 shall be expended for repairs and improvements at Blunt park in the city of Springfield; provided further, that $115,000 shall be expended for repairs to the Senator P.	4,342,450";

Eugene Casey memorial pool in the town of Milford; provided further, that $150,000 shall be expended for repairs and improvements to the Ames Nowell state park in the town of Abington; provided further, that $100,000 shall be expended for repairs and improvements to Sunset lake park in the town of Braintree; provided, however, expenditure of said $100,000 shall be subject to a funding match from said town of Braintree; provided further, that $179,450 shall be expended for repairs and improvements to the Olmstead park in the town of Wareham; provided further, that $250,000 shall be expended for the construction of certain facilities on the visitor's picnic beach, so-called, at Clarksburg state forest; provided further, that funds shall be expended from this item for a study of the feasibility of restoring the Jug end pond in the Jug end state reservation in the town of Egremont to a viable swimming pond; provided further, that $1,200,000 shall be expended for repairs, improvements, and the restoration of the Walter Baker administration building, so-called, in the Dorchester section of the city of Boston; provided further, that $185,000 shall be expended for the purchase of a brush breaker, so-called, to be housed in the town of Carver and utilized for the department of environmental management's forests and parks in the vicinity of said town; provided further, that $150,000 shall be expended for improvements to Quinsigamond state park; provided further, that not less than $150,000 shall be expended for the repair and renovation of the boathouse at Regatta point in the city of Worcester; provided further, that not less than $300,000 shall be expended for the repair and renovation of Green Hill park in the city of Worcester; provided further, that not less than $100,000 shall be granted to the city of Quincy for the purpose of rehabilitation and restoration of a Frederick Law Olmstead-designed park, known as Merrymount park, in said city; and provided further, that $40,000 shall be expended for repairs and improvements to the pavilion, so-called, at the Mount Tom state reservation

and in said section 2, by striking out item 2495-8998 and inserting in place thereof the following item:—

"2495-8998	For improvements to properties of the commission including, but not limited to, skating rinks, swimming pools, roadways, playgrounds and park facilities; provided, that not less than $1,472,000 shall be expended for the design and replacement of the rink bed and other necessary improvements at the Veterans memorial rink in the city of Somerville; provided further, that not less than $400,000 shall be expended for the purposes of renovations, repairs, including roofing,	13,907,000";

maintenance and safety improvements, to the Melnea Cass pool and rink in the Roxbury section of the city of Boston; provided further, that $180,000 shall be expended for the design, rehabilitation, construction and equipment, including construction of a children's play area in Hill park within the city of Revere; provided further, that $775,000 shall be expended for the design and construction of the Mystic lake dam restoration project in the town of Winchester and the city of Medford; provided further, that an amount shall be expended for the purchase of the Skaza property, so-called, in the Swift river flood plain; provided further, that $50,000 shall be expended for phase I site analysis and preliminary restoration of the Zoppo property, so-called, in the town of Winthrop; provided further, that $170,000 shall be expended for a study, including engineering plans, for repairs or replacements to the earthen dam and sluice gate at Ponkapoag pond in the towns of Canton and Randolph; provided further, that not more than $400,000 shall be expended to rebuild the Ponkapoag boardwalk in the Blue Hill Reservation on Ponkapoag road in the towns of Canton and Randolph; provided further, that said boardwalk shall be constructed at least two feet above the high water mark and shall be in compliance with the Americans with Disabilities Act; provided further, that $350,000 shall be expended to rehabilitate and make handicapped accessible the bathhouse of the McCrehan pool in the city of Cambridge; provided further, that $180,000 shall be expended for renovations and replacement of existing structures and filtration fountains owned by the metropolitan district commission at Fellsmere pond in the city of Malden; provided further, that not less than $150,000 shall be expended for the general rehabilitation of Bryan skating rink; provided further, that $200,000 shall be expended for repairs and improvements to the Ward bath house in the town of Nahant; provided further, that $200,000 shall be expended for the construction of a multi-purpose recreational field on commission properties in the town of Southborough; provided further, that $200,000 shall be expended for repairs and improvements to McMorrow playground in the Dorchester section of the city of Boston; provided further, that $50,000 shall be expended to repair and replace the fencing and backstops at Santoro field in the city of Medford; provided further, that $2,900,000 shall be expended for repairs and improvements to the Arlington veterans' memorial skating rink; provided further, that $1,000,000 shall be transferred to the Massachusetts Water Resources Authority to repair certain sewer lines in the town

of Milton, subject to said town providing $500,000 in matching funds; provided further, that $50,000 shall be expended for repairs and improvements to Connors memorial pool in the city of Waltham; provided further, that $150,000 shall be expended to install street lights on Norumbega road in the town of Weston; provided further, that $1,500,000 shall be provided to the city of Lynn for the costs associated with the design and repair of Fraser field in said city; provided further, that $650,000 shall be expended for the cost associated with replacing the roof of the Kasabuski memorial ice rink in the town of Saugus; provided further, that not less than $40,000 shall be expended by the commission working in concert with the public access board towards the planning, design and engineering of, but not limited to, a deepwater pier, parking lot and boat ramp of said commission's property in the Hough's Neck section of the city of Quincy referred to as Hurley's boat yard; provided further, that not more than $40,000 shall be expended for the costs associated with conducting a historic structures and programming report for Brook Farm Print Shop at the Brook farm historic site in the West Roxbury section of the city of Boston; provided further, that not less than $2,500,000 shall be expended on repairs and construction at the Steriti rink in the North End section of the city of Boston; and provided further, that $100,000 shall be expended for improvements to the land and the facilities of the Charles River Esplanade in the city of Boston, including replacement and rededication of the plaque commemorating former Governor and Mayor of Boston, Maurice Tobin

and, in said section 2, by striking out item 7004-7997 and inserting in place thereof the following item:—

"7004-7997	For state financial assistance for regional community and economic development projects; provided, that $1,000,000 shall be expended for the Millis memorial school conversion project, so-called; provided further, that $2,000,000 shall be expended for the study, design and the renovation and expansion of the Greenleaf community center in the city of Springfield; provided further, that $200,000 shall be expended for the Methuen community center project, so-called; provided further, that $1,200,000 shall be expended for the conversion of a municipal facility in the town of Swampscott; provided further, that $1,050,000 shall be expended for the completion of the wood technology center at Mount Wachusett Community College; provided further, that of said $1,050,000, not less than $150,000 shall be expended for a demonstration project of the merits of biomass heating systems at the proposed Warwick elementary school in the	17,786,000";

town of Warwick; provided further, that $1,400,000 shall be expended for the school pier and adjacent building at the Massachusetts Maritime Academy; provided further, that $600,000 shall be allocated to the city of Leominster for the costs associated with the development of a certain industrial park in said city; provided further, that $2,225,000 shall be expended for the construction and design of a project to extend an existing sewer main to the Orchard Hill industrial park, so-called; provided further, that $1,900,000 shall be expended for the Chestnut Street Turn-Back Project, so-called, in the town of Needham; provided further, that $900,000 shall be expended for the infrastructure projects, including water and sewer, for the 126 corridor in the town of Ashland; provided further, that $3,000,000 shall be transferred to the university of Massachusetts to fund the one-time start-up costs associated with the alliance of the Center for Marine Science and Technology at the University of Massachusetts at Dartmouth and the Science, Education, and Economic Development Center at the New Bedford Aquarium Site or an appropriate site within the city of New Bedford including, but not limited to, costs of office space and laboratories; provided, however, that said $3,000,000 shall not be transferred or expended until said university submits a spending plan for such funds to the house and senate committees on ways and means; provided further, that $1,000,000 shall be expended for the Row House Project, so-called, at the Massachusetts Correctional Institution, Concord; provided further, that $600,000 shall be expended for improvements to fresh water pumping systems in the towns of Holbrook and Randolph; provided further, that $250,000 shall be expended for the development of a re-use plan for the New England Log Home site in the town of Great Barrington; provided further, that $200,000 shall be expended for the mitigation of pollution on the Aztec Industry site, so-called, in the town of North Brookfield; provided further, that $56,000 shall be expended for a study of the economic rehabilitation of the four corners neighborhood, so-called, in the city of Bolton; provided further, that said study shall be submitted to the house and senate committees on ways and means not later than February 3, 1999; provided further, that not less than $75,000 shall be expended for the outstanding balance owed on the cost of the Mendon water line; and provided further, that $130,000 shall be expended for the purposes of cleaning the storm drain discharging into the southwest corner of spy pond in the town of Arlington and for the removal of the existing sand bar in said spy pond

and, in section 4 (as printed), by inserting after the words "University of Massachusetts at Dartmouth" the following words:— in Fall River."
The amendment was adopted.
Mr. Nuciforo moved to amend the bill, in section 2, by inserting after item 6037-0010 the following new item:—

"xxxx-xxxx	For state financial assistance in the form of community development action grants by the commonwealth acting by and through the department of housing and community development pursuant to section 57A of chapter 121B of the General Laws to be appropriated to the city of Pittsfield to establish a one-time appropriation for a fund for said city of Pittsfield which shall be known as the Pittsfield Community Redevelopment Fund. Said fund shall be established for the purposes of restoration, construction, expansion or repair of said city's land, buildings, parks and recreation areas, cultural, entertainment, public venue or other commercial facilities. Said fund shall be administered by the mayor of said city of Pittsfield, with recommendations from the city council	1,250,000".

The amendment was *rejected.*
Mr. Nuciforo moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that $1,250,000 of the amount appropriated herein shall be transferred to the city of Pittsfield and credited to the Pittsfield Community Development Fund to be administered by the mayor for the purposes of said fund"; and, in said section 2, in item 7004-7997, by striking out the figure "17,581,000" and inserting in place thereof the following figure:— "18,831,000".
The amendment was *rejected.*
Mr. Nuciforo moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that $1,000,000 of the amount appropriated herein shall be transferred to the city of Pittsfield and credited to the Pittsfield Community Development Fund to be administered by the mayor for the purposes of said fund"; and, in said section 2, in said item 7004-7997, by striking out the figure "17,581,000" and inserting in place thereof the following figure:— "18,581,000".
The amendment was *rejected.*
Mr. Nuciforo moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that $2,250,000 of the amount appropriated herein shall be transferred to the city of Pittsfield and credited to the Pittsfield Community Development Fund to be administered by the mayor for the purposes of said fund"; and, in said section 2, in said item 7004-7997, by striking out the figure "17,581,000" and inserting in place thereof the following figure:— "19,831,000".
The amendment was *rejected.*
Mr. Nuciforo moved to amend the bill, in section 2, by inserting after item 6037-0010, the following item:—

xxxx-xxxx	For state financial assistance through the department of economic development to be transferred to the city of Pittsfield and credited to the Pittsfield Community Development fund to be administered by the mayor of said city of Pittsfield for the purposes of said fund	1,000,000".

The amendment was *rejected.*
Mr. Tisei moved to amend the bill, in section 2, in item 0526-8998, by adding the following words:— "; and provided further, that not less than $420,000 shall be expended for improvements to the Soldiers and Sailors memorial building in the city of Melrose,".
The amendment was adopted.
Mr. Tisei moved to amend the bill, in section 2, in item 2120-8998, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended to the city of Melrose for improvements to Ell pond".
The amendment was *rejected.*
Mr. Tisei moved to amend the bill, in section 2, by inserting after section 7004-7997 the following item:—

"7004-8977	For the replacement of windows at the 667-C development, so-called, located in the town of Reading; provided that said funds shall be dispersed to the Reading Housing Authority	175,000".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill by inserting before section 3 the following section:—

"SECTION . Item 1100-9520 of section 2J of chapter 273 of the acts of 1994 is hereby amended by striking out the words an off-street parking facility in the town of Stoneham, and inserting in place thereof the following words:— off-street parking and related enhancements to promote commercial activity in Stoneham center'."

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, by inserting after item 7004-8998 the following item:—

"7052-8997	For costs associated with improving the air quality at Melrose high school	100,000".

The amendment was *rejected.*

Mr. Tisei moved to amend the bill, in section 2, in item 2120-8998, by adding the following words:— "; and provided further, that not less than $2,000,000 shall be expended for the cost of a study, design and construction, including furnishings and equipment, of a skating rink for the Fells division of the metropolitan district commission, located in the town of Wakefield between Hemlock road in said town of Wakefield and Forest street in the town of Saugus".

The amendment was *rejected.*

Mr. Magnani moved to amend the bill by inserting after section 8 the following section:—

"SECTION 8A. Section 8A of chapter 161A of the General Laws is hereby amended by adding the following paragraph:— Any city or town which has agreed to locate a commuter rail station within the borders of such city or town after January 1, 1996 shall be hereby exempt from all applicable assessments for the calendar year 1999 and thereafter."

The amendment was *rejected.*

Mr. Magnani, Ms. Pines, Messrs. Amorello and Brewer, Ms. Fargo, Messrs. Lynch and Tarr moved to amend the bill, in section 2, in item 2000-8998, by adding the following words:— "; and provided further, that not less than $835,000 of the amount appropriated herein shall be expended for the operation of an office of geographic and environmental information systems, as established by section 4B of chapter 21A of the General Laws,"; in said section 2, in said item 2000- 8998, by striking out the figure "5,000,000" and inserting in place thereof the following figure:— "5,835,000"; and by inserting after section 8 the following section:—

"Section 8A. Chapter 21A of the General Laws is hereby amended by inserting after section 4A the following section:— Section 4B. There is hereby established within the executive office of environmental affairs an office of geographic and environmental information. It shall be the responsibility of said office to collect, consolidate, store and provide geographical and environmental information in order to improve stewardship of natural resources and the environment, promote economic development and guide land-use planning, risk assessment, emergency response and pollution control. In order to accomplish the purposes of the foregoing, the duties of said office shall include, but not be limited to:

(1) fostering cooperation among local, state, regional and federal government agencies, academic institutions and the private sector in order to improve the quality, access, cost-effectiveness and utility of geographical and environmental information as a strategic resource for the state;

(2) coordinating data-sharing and executing data-sharing agreements among all levels of government and private users;

(3) identifying, developing, correcting, updating, distributing and assembling geographical and environmental data;

(4) setting standards for the acquisition and management of geographical environmental data by any agency, authority or other political subdivisions of the commonwealth;

(5) providing technical assistance, training and computer hardware, software, and programming to municipalities, regional agencies or political subdivisions of the commonwealth;

(6) archiving and serving as a depository for geographical and environmental information and developing public access to and distribution of such information;

(7) creating a network of regional service centers, subject to appropriation, to assist the commonwealth, its political subdivisions and the public in developing and using GIS technology and data;

(8) requiring that all GIS data funded through grants in any part by the commonwealth shall conform to standards developed by said office and be made available for distribution;

(9) creating a category of commonwealth resources of the natural, cultural and historical resources in need of protection;

(10) establishing a competitive grants program, subject to appropriation, for municipalities and regional agencies;

(11) setting up a geographic information advisory committee comprised of representatives from state agencies, regional and local entities, academic institutions, nonprofit organizations and the private sector, which shall provide an annual report for strengthening the geographic information system to the joint committee on natural resources and agriculture and office; and

(12) coordinating the development and dissemination of scientific and technical expertise to support an interagency cross disciplinary approach to natural resource management."

The amendment was *rejected.*
Mr. Magnani moved to amend the bill, in section 2, in item 7004-7997, by striking out the words "the 9/90 site so-called in the town of Framingham" and inserting in place thereof the following words:— "infrastructure projects, including water and sewer, for the 126 corridor in the town of Ashland".
The amendment was *rejected.*
Mr. Magnani moved to amend the bill by inserting after section 14 the following section:—
"SECTION 14A. The Massachusetts bay transportation authority shall prepare a study on the feasibility of providing additional commuter rail and bus transportation services to facilitate reverse commuting services, so-called. Such study shall include, but not be limited to, the following: 1) demand for additional commuter rail services that provide transportation from Boston during both morning and evening rush hour commutes to stations on commuter rail lines; 2) additional bus services and routes needed to provide north and south connecting services between commuter rail stations located in municipalities along the route 128 and route 495 corridor and the demand for such services; 3) whether services assist businesses and industries with the recruitment and retention of employees; and 4) the impact of such services on traffic management and congestion. Such study shall be filed with the clerks of the house and senate and the joint committee on transportation not later than December 1, 1998".
The amendment was *rejected.*
Mr. Magnani moved to amend the bill, in section 2, in item 1790-8998, by striking out the figure "5,000,000" and inserting in place thereof the following figure:— "20,400,000".
The amendment was *rejected.*
Mr. Morrissey moved to amend the bill, in section 7, in item 1102-6996, by adding the following words:— "; provided further, that not more than $2,050,000 shall be expended for the rehabilitation and preservation of the USS Salem berthed in Fore river including, but not limited to, replacement of deteriorated deck sections and boiler condensate hose systems, rehabilitation of gangways, repair and painting of the superstructure, so-called, and repair of the hull and boot topping, so-called, and repair of exterior deck lighting systems."; and, in said section 7, in said item 1102-6996, by striking out the figure "10,000,000" and inserting in place thereof the following figure: "12,050,000".
The amendment was *rejected.*
Ms. Jacques moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that not less than $1 million shall be expended for the construction of a shared police station in the towns of Wrentham and Norfolk"; and, in said item 7004-7997, by striking out the figure "17,581,000" and inserting in place thereof the following figure:— "18,581,000".
The amendment was *rejected.*
Mr. Antonioni moved to amend the bill by inserting before section 3, the following sections:—
"SECTION . The first sentence of paragraph (d) of section 1 of chapter 773 of the acts of 1960, as appearing in section 2 of chapter 684 of the acts of 1963, is hereby amended by striking out the words the demolition or removal of any buildings or structures on land so acquired or interests in which are so acquired and site preparation' and inserting in place thereof the following words:— , the demolition or removal of any buildings or structures, including buildings or structures owned by the commonwealth, on land so acquired or interests in which are so acquired and site preparation'.
SECTION . The first sentence of the fourth paragraph of section 2 of said chapter 773, as appearing in section 12 of chapter 267 of the acts of 1995, is hereby amended by striking out the word Seven' and inserting in place thereof the following word:— Six'.
SECTION . Section 4 of said chapter 773 is hereby amended by striking out clause (C), as appearing in section 5 of chapter 684 of the acts of 1963, and inserting in place therefore the following clause:— (c) To maintain offices in the town of Amherst and elsewhere within the commonwealth and to conduct meetings of the authority in accordance with the by-laws of said authority and the provisions of the second paragraph of section 59 of chapter 156B of the General Laws'.
SECTION . Section 7 of said chapter 773, as appearing in section 11 of chapter 684 of the acts of 1963, is hereby amended by striking out the second paragraph.
SECTION . Section 10 of said chapter 773, as most recently amended by section 15 of chapter 267 of the acts of 1995, is hereby further amended by striking out the words one hundred and eighty-two' and inserting in place thereof the following figure:— 200.'
SECTION . Section 18 of said chapter 773 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—
'The provisions of sections 26 to 29, inclusive, and sections 44A to 44H, inclusive, of chapter 149 of the General Laws, and of sections 39F to 39P, inclusive, and section 39R of chapter 30 of the General Laws are hereby made applicable to the authority. Notwithstanding the foregoing, with the approval of the governor, said authority may use an alternative mode of procurement of design and construction including, but not limited to, sequential, construction management, turnkey, design/build procurement and the phasing of such procurement including, but not limited to, approval of design and construction stages as separate or combined phases, which shall most efficiently, economically and best serve the interests of said authority. In all cases, said authority shall use procedures which shall be compatible with the policies and procedures for the selection of designers in sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws and with the policies and procedures for the selection of contractors in sections 44A to 44H, inclusive, of chapter 149 of the General Laws to the extent feasible in light of the mode selected."
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that the department of environmental management shall effect repairs and improvements to seawalls in the towns of Scituate and

Marshfield".
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that an amount not less than $500,000 shall be expended for coastal safety, maintenance and access improvements to seaport areas and waterfront open space owned and operated by the town of Weymouth, provided that said appropriation shall constitute a 50 per cent matching grant".
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that not more than $400,000 shall be expended for repairs to the foundry pond dam in the town of Hingham".
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that the department of environmental management shall effect repairs and improvements to seawalls in the towns of Hull, Scituate, Marshfield, and Duxbury".
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that $400,000 shall be expended for repairs and maintenance to seawalls in the town of Marshfield".
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that $400,000 shall be expended for repairs and maintenance to seawalls in the town of Hull".
The amendment was *rejected.*
Mr. Hedlund moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that $400,000 shall be expended for repairs and maintenance to seawalls in the town of Duxbury".
The amendment was *rejected.*
Mr Lees moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that $100,000 shall be expended for the Springfield Technical Community College Corporation, STCC Corporation, to defray the cost of relocating SpringBoard Technology within the STCC Campus".
The amendment was *rejected.*
Mr Lees moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that not more than $1,500,000 shall be expended for the removal of asbestos at the University of Massachusetts at Amherst".
The amendment was *rejected.*
Messrs. Lees and Tisei moved to amend the bill by striking out section 10.
After debate, Ms. Melconian in the Chair, the question an adoption of the amendment was determined by a call of the yeas and nays, at two minutes past nine o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 31):

YEAS.

Amorello, Matthew J.	Rauschenbach, Henri S.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Lees, Brian P.	

—7.

NAYS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Durand, Robert A.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.

Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Keating, William R.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Pines, Lois G.
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 31.

—31.

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at seven minutes past nine o'clock P.M., the amendment was *rejected.*
Mr. Rauschenbach moved to amend the bill by inserting after section 8 the following section:—
"SECTION 8A. Subsection (b) of section 80 of chapter 11 of the acts of 1997 is amended by striking out the words shall be issued for not more than ten years' and inserting in place thereof the following words:— shall be issued for not more than 30 years".
The amendment was adopted.
Mr. Rauschenbach moved to amend the bill by inserting after section 16B (inserted by amendment) the following section:—
"SECTION 16C. The department of fisheries, wildlife and environmental law enforcement may take by eminent domain under chapter 79 of the General Laws for endangered species habitat and open space protection purposes a portion of the registered and unregistered land in Dennis, Barnstable County, Massachusetts, taken by the Dennis Water District, a body politic, for water protection purposes described in an Order of Taking dated May 6, 1996 and recorded in the Barnstable county registry of deeds in book 10191 at page 272 and registered as numbered 665160, which portion to be taken by the department shall be shown on a plan of land to be prepared by said department."
The amendment was adopted.
Mr. Pacheco moved to amend the bill, in section 3, by inserting after the word "Southbridge" the following words:— "; and provided further, that not more than $100,000 shall be expended for a full traffic signal to be installed at the intersection of Wood street and state highway route 28 in the town of Middleboro".
The amendment was adopted.
Mr. Hedlund moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that $400,000 shall be expended for repairs and maintenance to seawalls in the town of Scituate".
The amendment was *rejected.*
Ms. Fargo moved to amend the bill, in section 2, in item 2120-7997, by inserting after the words "aquatic plant life", the following words:— "including $15,000 for such eradication efforts at Warners Pond in the town of Concord and".
The amendment was adopted.
Mr. Knapik moved to amend the bill, in section 2, in item 2120-8998 by adding the following words:— "; and provided further, that $40,000 shall be expended for repairs and improvements to the pavilion, so-called, at the Mt. Tom state reservation".
The amendment was *rejected.*
The President in the Chair, Mr. Knapik moved to amend the bill, in section 2, in item 0526-9889 by adding the following words:— "; and provided further, that $50,000 shall be expended for repairs and improvements to the historic Easthampton town hall in the town of Easthampton".
The amendment was adopted.
Mr. Tarr moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that $175,000 shall be expended for the construction of a wheel-chair accessible fishing pier on Silver lake in the town of Wilmington."
The amendment was *rejected.*
Mr. Tarr moved to amend the bill, in section 2, in item 2120-7997, by adding the following words:— "; and provided further, that $140,000 shall be expended for the completion of the River walk, so-called, along the Ipswich river in the town of Ipswich."
The amendment was *rejected.*
Mr. Panagiotakos move to amend the bill, in section 2, in item 2120-7977, by adding the following words:— "; and provided

further, that not more than $580,000 shall be expended for a boat ramp facility on the Merrimack river in the city of Lowell including, but not limited to, the development of design and engineering plans, site preparation, construction and installation of double boat ramp, trailer spaces, a parking area, a headwall, drainage pipes, curbing and other amenities."

The amendment was *rejected.*

Mr. Tarr moved to amend the bill, in section 2, by inserting after the word "Springfield" the following words:— "; provided further, that $2,000,000 shall be expended for the construction of a water line on Plum Island in the city of Newburyport and the town of Newbury."

The amendment was *rejected.*

Mr. Moore moved to amend the bill, in section 2, by inserting in item 7004-7997 the following:— "; provided, however, that not more than $1,750,000 shall be expended for the construction and design of a project to extend an existing water main to industrial and commercial zones along Route 20 in the town of Charlton; and provided further, that prior to release of any funds from this item for said water main, said town shall provide a 100% match from other sources including the state revolving loan fund for water projects for said purpose."; and, in item 7004-7997, by striking out the figure "17,581,000" and inserting in place thereof the figure "17,756,000".

The amendment was *rejected.*

Mr. Lees moved to amend the bill, in section 2, in item 0526-8998, by adding the following words:—"; and provided further, that $750,000 shall be expended for the repairs and restoration of the historic fishing schooner adventure."

The amendment was *rejected.*

Mr. Antonioni moved to amend the bill, in section 2, in item 7004-7997, by adding the following words:— "; and provided further, that $1,000,000 shall be expended in the town of Princeton for repairs to the roads supporting the Mount Wachusett ski area"; and, in said section 2, in said item 7004-7997, by striking out the figure "17,581,000" and inserting in place thereof the following figure:— "18,581,000".

The amendment was *rejected.*

Mr. Antonioni moved to amend the bill, in section 2, by inserting after item 6037-0010 the following item:—

"7000-1981	For first-year funding of a three-year plan for automated network technology for libraries to provide internet accessibility to workstations in member libraries, to provide full multimedia access to electronic library information resources and to extend internet protocol addresses to workstations in libraries not previously affiliated with automated networks	1,500,000".

The amendment was *rejected.*

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at fourteen minutes past nine o'clock P.M., on motion of Mr. Rosenberg, as follows, to wit (yeas 38 — nays 0):

YEAS.

Amorello, Matthew J.	Montigny, Mark C.
Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Durand, Robert A.	O'Brien, John D.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Pines, Lois G.
Jacques, Cheryl A.	Rauschenbach, Henri S.
Jajuga, James P.	Rosenberg, Stanley C.

Joyce, Brian A.
Keating, William R.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Warren E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 38.

—38.

NAYS. — 0

ABSENT OR NOT VOTING

Berry, Frederick E.

—1.

The yeas and nays having been completed at eighteen minutes past nine o'clock P.M., the bill (House, No. 5427) was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, printed as amended, see Senate, No. 2233.]
Sent to the House for concurrence in the amendments.

General Appropriation Bill.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-nine 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 (House, No. 5501),— was further considered, the question being on passing it to be engrossed.
After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at two minutes past ten o'clock P.M., on motion of Mr. Rosenberg, as follows, to wit (yeas 37 — nays 0):

YEAS.

Amorello, Matthew J.
Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Durand, Robert A.
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Brien, John D.
Pacheco, Marc R.
Panagiotakos, Steven C.
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.

Joyce, Brian A.	Tarr, Bruce E.
Keating, William R.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Warren E.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne
Melconian, Linda J.	

—37.

NAYS. — 0

ABSENT OR NOT VOTING

Berry, Frederick E.	Norton, Thomas C.

—2.

The yeas and nays having been completed at six minutes past ten o'clock P.M., the bill (House, No. 5501) was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, printed as amended, see Senate, No. 2230.]
Sent to the House for concurrence in the amendments.

Order Adopted.

On motion of Ms. Melconian,—
Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A. M., and that the Clerk be directed to dispense with the printing of a calendar.

Paper from the House.

A Bill relative to the terms of certain notes to be issued by the Commonwealth (printed in House, No. 5513, amended,— being a message from His Honor the Lieutenant-Governor),— was read.
There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Adjournment in memory of Mr. Philip L. Berry of Peabody.

Mr. Birmingham moved that when the Senate adjourns today, it adjourn in memory of Mr. Philip L. Berry, the father of Senator Frederick E. Berry. This motion prevailed.
Accordingly, as a mark of respect to the memory of Mr. Philip L. Berry, at nine minutes past ten o'clock P.M., on motion of Mr. Lees, the Senate adjourned to meet on the following day at eleven o'clock A.M.