***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.

Monday, July 31, 2000.

Met at four minutes past eleven o'clock A.M.

### *Engrossed Bills — Laid before the Governor.*

The following engrossed bills (the first four of which originated in the Senate), having been passed to be enacted and signed by the President on Saturday, July 29, were laid before the Governor on Monday, July 31, for his approbation, to wit:

Relative to reproductive health care facilities (see Senate, No. 148, amended);

Authorizing the rebuilding of the Julian D. Steele public housing development in the city of Lowell (see Senate, No. 2211, amended) (having been passed to be enacted by the Senate, by a vote of 35 yeas to 2 nays);

Providing for the collection of data relative to traffic stops (see Senate, No. 2238, amended) (having been passed to be enacted by the Senate, by a vote of 35 yeas to 2 nays);

Relative to the construction and financing of infrastructure and other improvements in the city of Boston and around Fenway Park (see Senate, No. 2269, amended) (having been passed to be enacted by the Senate, by a vote of 28 yeas to 8 nays);

Relative to the disposition of certain property in the town of Upton (see House, No. 1267, amended) (having been passed to be enacted by the Senate, by a vote of 36 yeas to 0 nays);

Authorizing the town of Kingston to grant an easement in certain park land (see House, No. 4140, amended) (having been passed to be enacted by the Senate, by a vote of 37 yeas to 0 nays);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Grafton to Robert and Abby McInnis (see House, No. 4785) (having been passed to be enacted by the Senate, by a vote of 36 yeas to 0 nays);

Authorizing the city of Woburn to use certain park land for school purposes (see House, No. 5160) (having been passed to be enacted by the Senate, by a vote of 36 yeas to 1 nay); and

Relative to a certain parcel of conservation land in the city of Boston (see House, No. 5347) (having been passed to be enacted by the Senate, by a vote of 36 yeas to 0 nays).

### *Distinguished Guests.*

There being no objection, the Chair (Mr. Rosenberg) introduced, seated in the rear of the Chamber, Nate Boyce and his mother, Amy. They were the guests of Senators Berry and Walsh.

There being no objection, the Chair (Mr. Rosenberg) introduced, seated in the rear of the Chamber, Christopher Miller, Dr. Guy Rockman and Dr. Stanley Tam. Mr. Miller is the Managing Director of the Advanced Group of Companies in Abu Dhabi, United Arab Emirates. Drs. Rockman and Tam are from Valentine Partners in Milton, who have formed a joint venture to bring state of the art health care to the people of the United Arab Emirates. They were the guests of Senator Joyce.

There being no objection, the President introduced Megan Birmingham, his daughter, and her classmates from the Advent School, Emily Palmer and Sabine Ronc. They were the guests of Senator Birmingham.

**PAPERS FROM THE HOUSE.**

A Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Westborough and Grafton (House, No. 5392,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**
A Bill relative to Health Alliance and Burbank Hospital (House, No. 5194,— on Senate, No. 2197),**— was read and, under Senate Rule 27, referred to the committee on Ways and Means.**
Subsequently, Mr. Montigny, for the committee on Ways and Means, reported, that the bill ought to pass.
**There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

***Order Adopted.***

Ms. Melconian offered the following order, to wit:
*Ordered,* That, notwithstanding the provisions of any rule to the contrary, debate on any matter considered by the Senate on July 31, 2000, shall be limited to one hour.
**The order was considered forthwith; and, there being no objection, it was adopted.**

**PAPERS FROM THE HOUSE.**

***Engrossed Bill — Land Taking for Conservation, Etc.***

An engrossed Bill authorizing the Commonwealth to acquire certain park land in the city of Chicopee (see House, No. 5271, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes past eleven o'clock A.M., as follows, to wit (yeas 31 — nays 6):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Moore, Richard T. |
| Bernstein, Robert A. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Clancy, Edward J., Jr. | Nuciforo, Andrea F., Jr. |
| Fargo, Susan C. | Pacheco, Marc R. |
| Glodis, Guy W. | Panagiotakos, Steven C. |
| Havern, Robert A. | Resor, Pamela |
| Jacques, Cheryl A. | Rosenberg, Stanley C. |
| Jajuga, James P. | Shannon, Charles E. |
| Joyce, Brian A. | Sprague, Jo Ann |
| Knapik, Michael R. | Tisei, Richard R. |
| Lynch, Stephen F. | Tolman, Steven A. |
| Magnani, David P. | Tucker, Susan C. |
| Melconian, Linda J. | Walsh, Marian |

Menard, Joan M. Wilkerson, Dianne — 31.
Montigny, Mark C.

**NAYS.**

Berry, Frederick E. Rauschenbach, Henri S.
Hedlund, Robert L. Tarr, Bruce E.
Lees, Brian P. Travaglini, Robert E. — 6.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr. Creem, Cynthia Stone — 2.

**The yeas and nays having been completed at eleven minutes past eleven o'clock A.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.**

### *Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Relative to Hale Hospital in the city of Haverhill (see Senate, No. 2214);

Relative to dental referral services (see House, No. 3652, amended);

Relative to the use of alternative dispute resolution (see House, No. 4970, amended); and

Authorizing the Division of Capital Asset Management and Maintenance to convey certain property in the city of Malden to the city of Malden (see House, No. 5305, amended).

### *Bill Previously Recalled from the Governor*

### Laid Before the Senate.

The engrossed Bill authorizing the city known as the town of Methuen to grant certain easements (see House, No. 4212) which, at a previous session, had been returned by His Excellency the Governor, at the request of the Senate,— was laid before the Senate.

**Mr. Jajuga asked unanimous consent that he might move that the Senate reconsider the vote by which, at a previous session, it had passed the bill to be enacted; but objection was made thereto.**
**The bill, having previously been signed by the President, was again laid before the Governor for his approbation.**

### *Reports of a Committee.*

Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the town of Provincetown (House, No. 2618),— ought to pass;
**There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement to the town of Montague (House, No. 5048),— ought to pass, with an amendment inserting at the end thereof the following section:—
"SECTION 2. The consideration to be paid by the town of Montague for the easement described in section 1 shall be the full and fair market value of the easement, as determined by an independent appraisal. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner of capital asset management and maintenance and the

senate and house committees on ways and means at least 30 days prior to the execution of any final agreement authorized under this act."

**The rules were suspended, on motion of Mr. Brewer, and the bill was read a second time and was amended, as recommended by the committee on Ways and Mans. The bill, as amended, was then ordered to a third reading read a third time and passed to be engrossed, in concurrence, with the amendment.**
**Sent to the House for concurrence in the amendment.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill further regulating the sales tax on vending machine purchases (House, No. 5102),— ought to pass.

**There being no objection, the rules were suspended, on motion of Ms. Walsh, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

**PAPERS FROM THE HOUSE.**

***Engrossed Bill — Land Taking for Conservation, Etc.***

An engrossed Bill authorizing the town of Andover to enter into certain agreements and to convey and accept certain interest in real estate (see Senate Bill, Senate, No. 2176) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before twelve o'clock noon, as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at twenty-four minutes before twelve o'clock noon, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.**

***Message from His Excellency the Governor —***

**Disapprovals in M.B.T.A. — Bond Bill.**

A message from His Excellency the Governor returning with his disapproval of certain sections contained in the engrossed Bill providing for an accelerated transportation development and improvement program for the Massachusetts Bay Transportation Authority (see House, No. 4865, amended), which on Thursday, June 22, 2000, had been laid before the Governor for his approbation,— came from the House, in part, section 4 having been passed by the House notwithstanding the disapproval of His Excellency the Governor.

The message (House, No. 5419) was read; and the Senate proceeded to reconsider section 4, which had been disapproved.

Section 4 (Ride Program), which had been disapproved was considered as follows:

"SECTION 4. Section 9 of chapter 161A of the General Laws, as appearing in section 151 of chapter 127 of the acts of 1999, is hereby amended by adding the following paragraph:—

A city or town assessed by the authority that is not receiving paratransit services for the disabled from the authority shall have 50 per cent of the amount it expended in the previous fiscal year for the operation of or membership in a local or regional paratransit service credited against its share of the assessment made under this section. The amount credited shall not exceed the total amount

After debate, the question on passing section 4, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter before twelve o'clock noon, as follows, to wit (yeas 35 — nays 4):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 35.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tisei, Richard R. — 4.

**The yeas and nays having been completed at twelve minutes before twelve o'clock noon, section 4 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

## *Recess.*

There being no objection, at ten minutes before twelve o'clock noon, the President declared a recess subject to the call of the Chair; and, at two minutes before one o'clock P.M., the Senate reassembled, the President in the Chair.

## *Reports of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the House Bill providing for the disposition of certain property at the Rutland Heights State Hospital (House, No. 5342),— ought to pass.
**There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain property in the city of Fitchburg (House, No. 5009),— ought to pass, with amendments, striking section 1 and inserting in place thereof the following section:—
"SECTION 1. Notwithstanding any general or special law, the commissioner of capital asset management and maintenance shall convey to the city of Fitchburg by deed approved as to form by the attorney general certain parcels of land in the city of Fitchburg, more particularly described below, subject to such terms and conditions as the commissioner may prescribe in consultation with the department of environmental management.
The parcels to be conveyed are parcels 10 and 11 as shown on a plan entitled 'Plan of Taking Land in City of Fitchburg' dated June 20, 1997, by Whitman and Bingham and recorded in the Worcester north registry of deeds, plan book 396, page 24. Also to be conveyed are parcels 12, 16, 13, 14, 21 and 17 as shown on a plan entitled 'Plan of Taking Land in the City of Fitchburg' dated September 3, 1998, by Whitman and Bingham Associates, Inc., said plan being recorded in said registry of deeds, plan book 399, page 14. The parcels shall be used for the widening of North street in the city of Fitchburg"; and in section 2, by striking the fourth sentence and inserting in place thereof the following sentence:— "The amount of consideration for each parcel to be conveyed shall be the full and fair market value of each such parcel, as determined by the commissioner in accordance with procedures customarily accepted by the appraising profession."
**There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time and was amended, as recommended by the committee on Ways and means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.**
**Sent to the House for concurrence in the amendments.**

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of New Braintree (Senate, No. 2250),— ought to pass.
**The rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading so as to read as follows: "An Act authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of New Braintree in the town of New Braintree."**

**Sent to the House for concurrence.**

## *Report of a Committee of Conference.*

By Mr. Montigny, for the committee of conference, to whom was referred the House amendment to the Senate Bill providing for an accelerated transportation development and improvement program for the Commonwealth (Senate, No. 2103, printed as amended) (the bill having been amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4877), reports, in part, a "Bill providing for an accelerated transportation development and improvement program for the Commonwealth" (Senate, No. 2272)
(Estimated cost: Total Bond Authorizations: $3,183,523,200
Federal Share: $ 1,397,148,000
Grant Anticipation Notes: $150,000,000
Net State Authorizations: $1,616,375,2001).
**The report was considered forthwith; and, after debate, it was accepted.**

**Sent to the House for concurrence.**

### *Report of a Committee.*

Mr. Montigny, for the committee on Ways and Means, that the House Bill creating minimum standards for public bathing waters (House, No. 5395),— ought to pass.
**The rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, in concurrence.**

**PAPERS FROM THE HOUSE**.

A Bill relative to the disposition of an interest in a certain parcel of land located within the Lowell-Dracut-Tyngsborough State Forest (House, No. 5391, amended,— on petition),— was read.
**There being no objection, the rules were suspended, on motion of Ms. Tucker, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### *Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the city of Haverhill to grant certain easements to Portland Natural Gas Transmission System and Maritimes and Northeast Pipeline, L.L.C. (see Senate, No. 1801) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes past one o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at twenty-seven minutes before two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.**

## *Emergency Preamble Adopted.*

An engrossed Bill providing for the disposition of certain surplus waterworks facilities of the Massachusetts Water Resources Authority and the Metropolitan District Commission located in the city of Boston (see Senate, No. 2219), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 9 to 0.
**The bill was signed by the President and sent to the House for enactment.**

The House Bill authorizing the town of Hingham to convey a certain parcel of conservation land (House, No. 5190, changed and amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the following text:—
"SECTION 1. The town of Hingham, acting by and through its board of selectmen, may convey a certain parcel of conservation land to be used for housing, recreational and open space purposes. The parcel is shown as Lot 'A' on a plan entitled 'Plan of Lot Old Ward Street Hingham, Mass. Made for Town of Hingham Conservation Commission' dated December 29, 1971, by William W. Perkins, Engineer.
SECTION 2. This act shall take effect upon its passage.", *with a further amendment* inserting after section 1 (as inserted by the Senate) the following section:—
"SECTION 1A. In consideration of the foregoing conveyance, the town is hereby authorized to accept a parcel of land containing approximately 25 acres to be held for conservation purposes. Said parcel is known as a portion of Lot 13 on Assessor's Map 198.".

Senate Rule 36 was suspended, on motion of Mr. Hedlund, and the further House amendment was considered forthwith.

On further motion of Mr. Hedlund, the Senate concurred in the House amendment *with a still further amendment* striking out section 1A (inserted by amendment by the House) and inserting in place thereof the following section:—
"SECTION 1A. In consideration of the conveyance in section 1, the town may accept a parcel of land."
**Sent to the House for concurrence in the still further amendment.**

## *Report of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the special commission on oral health (House, No. 5076, changed and amended),— ought to pass.
**There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### PAPERS FROM THE HOUSE.

A Bill providing for the transfer of land within the town of Plainville from the King Philip Regional School District to the town of Plainville (printed as Senate, No. 1992,— on petition),— was read.
**There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

## *Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the city of Springfield to convey a certain parcel of conservation land (see House Bill, House, No. 4911, changed and amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty minutes before two o'clock P.M., as follows, to wit (yeas 39 — nays 0):

### YEAS.

| | |
|---|---|
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |

Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at seventeen minutes before two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.**

### *Remarks on the Departure of Senator Robert A. Bernstein.*

The President recognized Senator Murray, who briefly addressed the Senate, and paid tribute to Senator Robert A. Bernstein, who has chosen not to seek re-election to the Massachusetts State Senate.
After Senator Murray spoke, the President recognized Senator Bernstein, who briefly addressed the Senate and thanked the President, fellow Senators, staff, his constituents, and his family for their support and friendship during his tenure in the State House.

### *Order Adopted.*

Mr. Rosenberg offered the following order, to wit:
*Ordered*, That, notwithstanding the provisions of an order previously adopted, debate considered on any matter considered by the Senate on July 31, 2000 shall be limited to thirty minutes.
**The order was considered forthwith; and, there being no objection, it was adopted.**

## PAPERS FROM THE HOUSE.

### *Emergency Preamble Adopted.*

An engrossed Bill relative to charter schools (see Senate, No. 2027), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

### *Engrossed Bill.*

An engrossed Bill relative to the sale of dogs and cats imported for resale (see House, No. 3224) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.**

### *Report of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to certain capital spending authorizations (House, No. 5325, amended),— ought to pass, with amendments, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2273; and by inserting before the enacting clause the following emergency preamble:—

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith continue certain capital spending authorizations from the fiscal year ending June 30, 2000, each of which is necessary or appropriate to effectuate said authorizations 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 rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time and was amended, as recommended by the committee on ways and means. The bill, as amended, was then ordered to a third reading, read a third time and, after remarks,was passed to be engrossed, in concurrence, with the amendment.**
**Sent to the House for concurrence in the amendments.**

**PAPERS FROM THE HOUSE.**

A Bill authorizing certain capital repairs and renovations (House, No. 5425, — on House, No. 5243, in part),— was read.
**There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, ordered to a third reading, read a third time and, after debate, it was passed to be engrossed, in concurrence.**

### *Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill providing for the disposition of certain surplus waterworks facilities of the Massachusetts Water Resources Authority and the Metropolitan District Commission located in the city of Boston (see Senate, No. 2219) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seven minutes before three o'clock P.M., as follows, to wit (yeas 37 — nays 0):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Lynch, Stephen F. |
| Bernstein, Robert A. | Magnani, David P. |
| Brewer, Stephen M. | Melconian, Linda J. |
| Clancy, Edward J., Jr. | Menard, Joan M. |
| Creedon, Robert S., Jr. | Montigny, Mark C. |
| Creem, Cynthia Stone | Moore, Richard T. |
| Fargo, Susan C. | Morrissey, Michael W. |
| Glodis, Guy W. | Murray, Therese |
| Havern, Robert A. | Nuciforo, Andrea F., Jr. |
| Hedlund, Robert L. | Pacheco, Marc R. |
| Jacques, Cheryl A. | Panagiotakos, Steven C. |
| Jajuga, James P. | Rauschenbach, Henri S. |
| Knapik, Michael R. | Resor, Pamela |
| Lees, Brian P. | Rosenberg, Stanley C. |

Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E.
Joyce, Brian A. — 2.

**Mr. Rosenberg in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the yeas and nays having been completed at three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President and laid before the Governor for his approbation.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider several sections, in accordance with the provisions of the Constitution.

Section 138. (Special education annual school district reports) was considered, as follows:—
"SECTION 138B. Said section 1I of said chapter 69, as so appearing, is hereby further amended by inserting after the eighth paragraph the following two paragraphs:—
Each school district and charter school shall file an annual report for the current school year regarding implementation of chapter 71B with the department every November 1 first in a format determined by the board. The report shall include, but not be limited to, the following:—
(a) the number of children receiving services pursuant to said chapter 71B within each disability category as set forth in section 1 of said chapter 71B;
(b) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a publicly operated day school program;
(c) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private day setting;
(d) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private residential setting;
(e) the number of children who remain in the regular education program full time; the number of children who are removed from the regular classroom for up to 25 per cent of the day; the number of children who are removed from the regular classroom between 25 and 60 per cent of the day;
(f) the number of children who are placed in substantially separate classrooms on a regular education school site;
(g) the number of children, ages three and four, who are educated in integrated and separate classrooms; and the assignment by sex, national origin, economic status, race and religion, of children by age level to special education classes and the distribution of children residing in the district by sex, national origin, economic status, race and religion of children by age level; and
(h) the number of children, by grade level, receiving special education services who have limited English proficiency.
Each school district and charter school shall furnish in a timely manner such additional information as the department shall request."

[The Governor disapproved the section.]

After debate, the question on passing Section 138, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eight minutes past three o'clock P.M., as follows, to wit (yeas 33 — nays 4):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 33.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**ABSENT OR NOT VOTING.**

Joyce, Brian A.
Rauschenbach, Henri S. — 2.

**The yeas and nays having been completed at thirteen minutes past three o'clock P.M., Section 138 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 147 (Curriculum accommodation plan to assist principals) was considered, as follows:—
"SECTION 147. Said chapter 71 is hereby further amended by inserting after section 38Q, as so appearing, the following section:—
Section 38Q½. A school district shall adopt and implement a curriculum accommodation plan to assist principals in ensuring that all efforts have been made to meet students' needs in regular education. The plan shall be designed to assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services under chapter 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement.

[The Governor disapproved the section.]

After debate, the question on passing Section 147, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-four minutes past three o'clock P.M., as follows, to wit (yeas 34 — nays 4):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Jacques, Cheryl A. |
| Bernstein, Robert A. | Jajuga, James P. |
| Berry, Frederick E. | Lynch, Stephen F. |
| Brewer, Stephen M. | Magnani, David P. |
| Clancy, Edward J., Jr. | Melconian, Linda J. |
| Creedon, Robert S., Jr. | Menard, Joan M. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Fargo, Susan C. | Moore, Richard T. |
| Glodis, Guy W. | Morrissey, Michael W. |
| Havern, Robert A. | Murray, Therese |
| Hedlund, Robert L. | Nuciforo, Andrea F., Jr. |
| Pacheco, Marc R. | Tisei, Richard R. |
| Panagiotakos, Steven C. | Tolman, Steven A. |
| Resor, Pamela | Travaglini, Robert E. |
| Rosenberg, Stanley C. | Tucker, Susan C. |
| Shannon, Charles E. | Walsh, Marian |
| Sprague, Jo Ann | Wilkerson, Dianne — 34. |

**NAYS.**

| | |
|---|---|
| Knapik, Michael R. | Rauschenbach, Henri S. |
| Lees, Brian P. | Tarr, Bruce E. — 4. |

**ABSENT OR NOT VOTING.**

Joyce, Brian A. — 1.

**The yeas and nays having been completed at twenty-eight minutes past three o'clock P.M., Section 147 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 148 (Curriculum accommodation plan-school council) was considered, as follows:—
"SECTION 148. Section 59C of said chapter 71, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:—
The school council, including the school principal, shall meet regularly and shall assist in the identification of the educational needs of the students attending the school, make recommendations to the principal for the development, implementation and assessment of the curriculum accommodation plan required pursuant to section 38Q½, shall assist in the review of the annual school budget and in the formulation of a school improvement plan, as provided below."

[The Governor disapproved the section.]
After debate, the question on passing Section 148, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-three minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 5):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Havern, Robert A. |
| Bernstein, Robert A. | Hedlund, Robert L. |
| Berry, Frederick E. | Jacques, Cheryl A. |
| Brewer, Stephen M. | Jajuga, James P. |
| Clancy, Edward J., Jr. | Joyce, Brian A. |
| Creedon, Robert S., Jr. | Lynch, Stephen F. |
| Creem, Cynthia Stone | Magnani, David P. |
| Fargo, Susan C. | Melconian, Linda J. |
| Glodis, Guy W. | Menard, Joan M. |
| Montigny, Mark C. | Rosenberg, Stanley C. |
| Moore, Richard T. | Shannon, Charles E. |
| Morrissey, Michael W. | Sprague, Jo Ann |
| Murray, Therese | Tolman, Steven A. |
| Nuciforo, Andrea F., Jr. | Travaglini, Robert E. |
| Pacheco, Marc R. | Tucker, Susan C. |
| Panagiotakos, Steven C. | Walsh, Marian |
| Resor, Pamela | Wilkerson, Dianne — 34. |

**NAYS.**

| | |
|---|---|
| Knapik, Michael R. | Tarr, Bruce E. |
| Lees, Brian P. | Tisei, Richard R. — 5. |
| Rauschenbach, Henri S. | |

**The yeas and nays having been completed at nineteen minutes before four o'clock P.M., Section 148 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

A Bill making appropriations for the fiscal year 2000 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5424,— on House, No. 5243, in part), — was read.
There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time.
Pending the question on ordering it to a third reading, Mr. Tarr moved to amend the bill in section 6 by adding the following after the word "Act" in line 16 thereof:— "efforts to ensure compliance with the quiet zone requirements of the federal 'Swift Rail Act', so-called."
After debate, the amendment was *rejected*.

Mr. Tarr then moved to amend the bill, in section 2E, in item 8324-1009, by adding the following words:— "; provided, that $900,000 shall be expended for the purchase of a heavy rescue vehicle, so-called, so-called, for use in Essex county." and in said Item 8324-1009 by striking out the figure "1,400,000" and inserting in place thereof the following figure:— "2,300,000".
The amendment was *rejected*.

**After debate, the bill was then ordered to a third third reading, read a third time and passed to be engrossed, in concurrence.**

## *Engrossed Bills.*

The President in the Chair, the following engrossed bills (the first four of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Pertaining to the appointment of firefighters and police officers (see Senate, No. 1251);

Providing for the disposition of Commonwealth property in Chelsea (see Senate, No. 1770);

Relative to the issuance of seasonal licenses for the sale of alcoholic beverages (see Senate, No. 2128);

Relative to certain sewer betterments in the city of Gloucester (see Senate, No. 2204);

Authorizing the Centerville-Osterville-Marstons Mills Fire District to establish a betterment reserve fund (see House, No. 3718);

Authorizing the town of Rockport to establish a certain capital projects fund (see House, No. 4169); and

Further regulating the sales tax on vending machine purchases (see House, No. 5102).

## *Emergency Preamble Adopted.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the town of Provincetown (see House, No. 2618), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 8 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

*Report of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the House Bill regulating viatical settlements agreements (House, No. 4790),— ought to pass, with an amendment, inserting at the end thereof the following section:—
"SECTION 3. Notwithstanding this act or any general or special law to the contrary, the securities division in the office of the secretary shall have the authority to regulate viatical settlements as securities pursuant to chapter 110A of the General Laws."
**The rules were suspended, on motion of Mr. Montigny, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, in concurrence, with the amendment.**
**Sent to the House for concurrence in the amendment.**

**PAPERS FROM THE HOUSE.**

## *Engrossed Bill.*

An engrossed Bill relative to charter schools (see Senate, No. 2027, amended) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.**

## *Message from His Excellency the Governor —*

## Disapprovals and Reductions in General Appropriations Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider section 160, in accordance with the provisions of the Constitution.

Section 160 (Special education sliding scale) was considered, as follows:—
"SECTION 160. Said section 3 of said chapter 71B, as so appearing, is hereby further amended by striking out the seventh to tenth paragraphs, inclusive, and inserting in place thereof the following three paragraphs:—
These departments through their joint regulations may define circumstances under which the requirement of any or all of these assessments may be waived so long as an evaluation appropriate to the educational needs of the child is provided. Those persons assessing said child shall maintain a complete and specific record of diagnostic procedures attempted and their results, the conclusions reached, the suggested courses of special education best suited to the child's educational needs, and the specific benefits expected from such action. A suggested special education program may include family guidance or counseling services. When the suggested course of study is other than regular education those persons assessing said child shall present a method of monitoring the benefits of such special education and conditions that would indicate that the child should return to regular classes, and a comparison of expected outcomes in regular class placement.
If a child with a disability requires special education and related services in accordance with the provisions of the federal Individuals with Disabilities Education Act of 1975, the provisions of this chapter, and federal and state regulations promulgated pursuant thereto, such services shall be made available.
Upon completion of said evaluation, the child's parents may obtain an independent evaluation at school committee expense, from child evaluation clinics or facilities approved by the department jointly with the departments of mental health, mental retardation and public health, provided that the school committee may initiate within five school working days of the request, a hearing with the bureau of special education appeals to show that its evaluation is appropriate, in accordance with the provisions of the Individuals with Disabilities and Education Act and regulations promulgated pursuant thereto; provided, however, that the parents may choose, on a voluntary basis, to share the costs of the independent evaluation with the school committee pursuant to a sliding fee scale established in regulations issued by the department pursuant to this section, in which case the school committee shall pay its share of the costs in accordance with the scale; provided, that, if the child's family income does not exceed 400 per cent of the federal poverty level established by the United States department of health and human services, parents shall pay no cost; provided, however, that the division of health care finance and policy established by section 2 of chapter 118G shall establish rates for educational assessments conducted or performed by psychologists and other trained certified educational personnel notwithstanding the provisions of any general or special law or rule or regulation to the contrary. A parent may obtain an independent evaluation at private expense from any specialist."

[The Governor disapproved the section.]
After debate, the question on passing Section 160, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seventeen minutes past four o'clock P.M., as follows, to wit (yeas 37 — nays 2):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Moore, Richard T. |
| Bernstein, Robert A. | Morrissey, Michael W. |
| Berry, Frederick E. | Murray, Therese |
| Brewer, Stephen M. | Nuciforo, Andrea F., Jr. |
| Clancy, Edward J., Jr. | Pacheco, Marc R. |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C. |
| Creem, Cynthia Stone | Rauschenbach, Henri S. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Jajuga, James P. | Tisei, Richard R. |
| Joyce, Brian A. | Tolman, Steven A. |
| Lynch, Stephen F. | Travaglini, Robert E. |

Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS.

Knapik, Michael R.
Lees, Brian P. — 2.

**The yeas and nays having been completed at twenty-two minutes past four o'clock P.M., Section 160 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

### *Report of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to needlestick injury prevention (House, No. 5394),— ought to pass.
There being no objection, the rules were suspended, on motion of Mr. Jajuga, and the bill was read a second time.
Pending the question on ordering the bill to a third reading, Mr. Pacheco moved that the bill be amended in section 2, by inserting after the words "Massachusetts Nurses Association,", in line 42, the following words:— "the Service Employees International Union State Council,".

The amendment was adopted.

The bill, as amended, was then ordered to a third reading and read a third time.
The question on passing the bill to be engrossed, in concurrence, was then determined by a call of the yeas and nays, at twenty-seven minutes past four o'clock P.M., as follows, to wit (yeas 38 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian

Menard, Joan M. Wilkerson, Dianne — 38.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Jacques, Cheryl A. — 1.

**The yeas and nays having been completed at twenty-nine minutes before five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.**
**Sent to the House for concurrence in the amendment.**

**PAPERS FROM THE HOUSE.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider section 162, in accordance with the provisions of the Constitution.
Section 162 (Special education hearing officers) was considered, as follows:—
"SECTION 162. The twelfth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby amended by inserting after the third sentence the following sentence:— The hearing officer may determine, in accordance with the rules, regulations and policies of the respective agencies, that services shall be provided by the department of social services, the department of mental retardation, the department of mental health, the department of public health, or any other state agency or program, in addition to the program and related services to be provided by the school committee."

[The Governor disapproved the section.]
After debate, the question on passing Section 162, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at sixteen minutes before five o'clock P.M., as follows, to wit (yeas 33 — nays 6):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tisei, Richard R.
Tolman, Steven A.

| | |
|---|---|
| Joyce, Brian A. | Travaglini, Robert E. |
| Lynch, Stephen F. | Tucker, Susan C. |
| Magnani, David P. | Walsh, Marian |
| Melconian, Linda J. | Wilkerson, Dianne — 33. |
| Menard, Joan M. | |

**NAYS.**

| | |
|---|---|
| Hedlund, Robert L. | Rauschenbach, Henri S. |
| Knapik, Michael R. | Sprague, Jo Ann |
| Lees, Brian P. | Tarr, Bruce E. — 6. |

**The yeas and nays having been completed at twelve minutes before five o'clock P.M., Section 162 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

A Bill authorizing the town of Tewksbury to convey certain conservation land (printed in House, No. 5356,— being a message from His Excellency the Governor),— was read.
**There being no objection, the rules were suspended, on motion of Ms. Tucker, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider section 168, in accordance with the provisions of the Constitution.
Section 168 (Special education parent advisory councils) was considered, as follows:—
"SECTION 168. Said section 3 of said chapter 71B, as so appearing, is hereby further amended by adding the following paragraph:—
The school committee of any city, town, or school district shall establish a parent advisory council on special education. Membership shall be offered to all parents of children with disabilities and other interested parties. The parent advisory council duties shall include but not be limited to: advising the school committee on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school committee's special education programs. The parent advisory council shall establish by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources."

[The Governor disapproved the section.]
After debate, the question on passing Section 168, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at five minutes before five o'clock P.M., as follows, to wit (yeas 38 — nays 1):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Menard, Joan M. |

Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

**NAYS.**

Rauschenbach, Henri S. — 1.

**The yeas and nays having been completed at two minutes before five o'clock P.M., Section 168 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

The Senate Bill authorizing certain amendments to the housing and employment exaction requirements (linkage) with respect to large-scale commercial real estate development (printed as House, No. 5350, amended),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out section 5A (inserted by amendment by the Senate).
**The rules were suspended, on motion of Mr. Travaglini, and the House amendment was considered forthwith. The Senate then NON-concurred in the House amendment.**
**The bill was returned to the House endorsed accordingly.**

***Recess.***

There being no objection, at one minute before five o'clock P.M., the President declared a recess subject to the call of the Chair; and, at thirteen minutes before seven o'clock P.M., the Senate reassembled, the President in the Chair.

**PAPERS FROM THE HOUSE.**

***Emergency Preambles Adopted.***

An engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5425), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 10 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill providing for the disposition of certain property at the Rutland Heights State Hospital (see House, No. 5342), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 5 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

### *Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill relative to the disposition of an interest in a certain parcel of land located within the Lowell-Dracut-Tyngsborough State Forest (see House, No. 5391, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes before seven o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at one minute before seven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.**

### *Message from His Excellency the Governor —*

### Disapprovals and Reductions in General Appropriations Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider several sections, in accordance with the provisions of the Constitution.

Section 325 (Massachusetts Clean Elections) was considered, as follows:—
"SECTION 325. Notwithstanding section 1 of chapter 55A of the General Laws, for all candidates to whom said chapter 55A applies, the election cycle that ends on the thirtieth day following the state election in 2002 shall begin on March 31, 2001."

[The Governor disapproved the section.]
After debate, the question on passing Section 325, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at three minutes past seven o'clock P.M., as follows, to wit (yeas 28 — nays 11):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 28.

**NAYS.**

Creem, Cynthia Stone
Fargo, Susan C.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C. — 11.

**The yeas and nays having been completed at seven minutes past seven o'clock P.M., Section 325 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

### *Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the town of Provincetown (see House, No. 2618) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past seven o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at ten minutes past seven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.**

### *Reports of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Leicester (House, No. 4569),— ought to pass.
**There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill to provide that certain health care plans and policies shall cover payment for costs arising from speech, hearing and language disorders (House, No. 5170),— ought to pass.
**There being no objection, the rules were suspended, on motion of Ms. Melconian, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill further regulating the civil commitment process for persons with mental illness (House, No. 4216, amended),— ought to pass.
**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.**

**PAPERS FROM THE HOUSE.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider several sections, in accordance with the provisions of the Constitution.

Section 416 (Special education regulations enforced — I) was considered, as follows:—
"SECTION 416. The board of education shall continue in effect and enforce the following regulations in affect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: 603 CMR 28.804, regarding transportation of children requiring special education; 603 CMR 28.502.12 (g) , providing for TEAM determination as the daily duration of a student's program; 603 CMR 28.106, 603 CMR 28.203, 603 CMR 28.208 and 603 CMR 28.209 regarding parent consent and native language; 603 CMR 28. 317.2 (f) , providing parents the right to observe any program for their child; 603 CMR 18.06, 603 CMR 18.07 and 603 CMR 18.08 regarding program and safety requirements for private special education schools; 603 CMR 28.508 regarding facilities for children in need of special education. For the purposes of this section, the term '603 CMR 28.502.4 prototype' as used in said 603 CMR 28.508 shall mean 'separate classroom' and the term '603 CMR 28.502.4i prototype' as used in said 603 CMR 28.508 shall mean 'separate facility', and 603 CMR section 28.204 regarding waiver of regulatory provisions."

[The Governor disapproved the section.]
After debate, the question on passing Section 416, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty minutes past seven o'clock P.M., as follows, to wit (yeas 34 — nays 5):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Clancy, Edward J., Jr. |
| Bernstein, Robert A. | Creedon, Robert S., Jr. |
| Berry, Frederick E. | Creem, Cynthia Stone |
| Brewer, Stephen M. | Fargo, Susan C. |
| Glodis, Guy W. | Murray, Therese |
| Havern, Robert A. | Nuciforo, Andrea F., Jr. |
| Hedlund, Robert L. | Pacheco, Marc R. |
| Jacques, Cheryl A. | Panagiotakos, Steven C. |
| Jajuga, James P. | Resor, Pamela |
| Joyce, Brian A. | Rosenberg, Stanley C. |
| Lynch, Stephen F. | Shannon, Charles E. |
| Magnani, David P. | Sprague, Jo Ann |
| Melconian, Linda J. | Tolman, Steven A. |
| Menard, Joan M. | Travaglini, Robert E. |

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 34.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E.
Tisei, Richard R. — 5.

**The yeas and nays having been completed at twenty-two minutes past seven o'clock P.M., Section 416 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Mr. Bernstein in the Chair,— Section 418 (Special education regulations enforced — II) was considered, as follows:— "SECTION 418. The board of education shall continue in effect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: 603 CMR 28.122 regarding definition of parent; 603 CMR 28.319, regarding the 45 school working day time line from the receipt of parents' written consent for evaluation or reevaluation, assessments, team meeting, development of the individualized educational plan, if required, and written notice thereof to parents; and 603 CMR 28.320.3 regarding written evaluations."

[The Governor disapproved the section.]
After debate, the question on passing Section 418, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-six minutes past seven o'clock P.M., as follows, to wit (yeas 35 — nays 4):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 35.

Pacheco, Marc R.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E. — 4.

**The yeas and nays having been completed at twenty-eight minutes past seven o'clock P.M., Section 418 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 417 (Maintaining certain special education regulations) was considered, as follows:—
"SECTION 417. The board of education shall continue in affect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: regulations requiring the Individualized Educational Plan Team to decide the specific placement necessary to meet the unique needs of a child with a disability including, but not limited to 603 CMR 28.322."

[The Governor disapproved the section.]
After debate, the question on passing Section 417, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-four minutes before eight o'clock P.M., as follows, to wit (yeas 37 — nays 2):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

**NAYS.**

Knapik, Michael R. Lees, Brian P. — 2.

**The yeas and nays having been completed at twenty-two minutes before eight o'clock P.M., Section 417 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 419 (Maintaining special education regulations) was considered, as follows:—
"SECTION 419. Notwithstanding the provisions of 603 CMR 28.06 (3)(e), the department of education shall insure that each child with a disability placed in an unapproved school shall have available to him programs which provide services consistent with state standards and federal law at 20 U.S.C.1400, et seq., and regulations promulgated pursuant thereto."

[The Governor disapproved the section.]
After debate, the question on passing Section 419, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seventeen minutes before eight o'clock P.M., as follows, to wit (yeas 32 — nays 7):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

**NAYS.**

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 7.

**The President in the Chair, the yeas and nays having been completed at a quarter before eight o'clock P.M., Section 419 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 177. (Workshop curriculum) was considered, as follows:—
“SECTION 177. Said chapter 71B, as so appearing, is hereby further amended by inserting after section 9 the following section:—
Section 9A. The department of education shall provide a workshop curriculum on the rights of students, their parents and guardians under the special education laws of the Commonwealth and the federal government to each school district in the commonwealth to be used by such school districts in conducting the workshops required by section 1C of chapter 71. The department of education shall establish a Parent Advisory Committee to assist and advise in developing said workshop curriculum.The Parent Advisory committee shall consist of representatives from the Federation for Children with Special Needs, the Massachusetts Association of Parent Advisory Councils, the Parent Professional Advocacy League, the Disability Law Center, and the Massachusetts Advocacy Center.”

[The Governor disapproved the section.]
After debate, the question on passing Section 177, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twelve minutes before eight o’clock P.M., as follows, to wit (yeas 33 — nays 6):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Walsh, Marian
Wilkerson, Dianne — 33.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 6.

**The yeas and nays having been completed at a ten minutes before eight o’clock P.M., Section 419 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 178 (Special education — out of district placements) was considered, as follows:—

"SECTION 178. Section 10 of said chapter 71B, as so appearing, is hereby amended by striking out the first, second and third paragraphs and inserting in place thereof the following three paragraphs:—

The department may, on an annual renewal basis, upon the request of the parents or guardians and the recommendations of a local school committee refer children requiring special education to any institution within or without the commonwealth which offers curriculum, instruction and facilities which are appropriate to the child's disability and which are approved by the department under regulations prescribed by the departments of education, mental health, mental retardation and public health. The curriculum at such an institution shall for approval be equivalent, insofar as the department deems feasible, to the curriculum for children of comparable age and ability in the public schools of the commonwealth. Notwithstanding the foregoing, the department shall give preference to programs that are offered within the child's school district and if no such program is available, to programs offered within the commonwealth. Placement in another state shall be made only when no public or private facility which can provide the services in the student's individualized education plan, consistent with requirements of state and federal law, is available in the commonwealth; but no child in an out of state placement as of June 1, 2000 shall be required to transfer to a facility located within the commonwealth unless the transfer is in accordance with the child's individualized education plan and is not based solely upon this section.

Before acting on said request, the department shall determine the nature and extent of a child's disability, and shall require the local school committee to prepare and submit plans detailing the time needed to establish facilities adequate for children with a disability in the city, town or school district where the child resides, and shall ascertain whether adequate facilities and instruction programs are available or when adequate facilities can be made available in the city, town or school district where the child with a disability resides. Until adequate facilities can be made available, such child shall be placed in the most adequate program available as determined by the department. The department shall further define by regulation the circumstances in which it shall be directly responsible for the placement of children in such special education programs, and by standards available to the public determine the methods and order of such placements; provided, however, that no child shall be denied access to any program operated by the department of mental health, mental retardation, public health or social services to which in the judgment of the operating department the child should be admitted.

The expenses of the instruction and support actually rendered or furnished to such children with disabilities, including their necessary traveling expenses, whether daily or otherwise, but not exceeding ordinary and reasonable compensation therefor, may be paid by the commonwealth; but the department shall issue regulations jointly with the departments of mental health, mental retardation, public health, youth services and social services defining the circumstances in which the commonwealth shall bear all or part of such cost, the circumstances in which school committees shall be required to bear part or all of such cost, and the circumstances in which a parent or guardian may be required to reimburse the commonwealth for part or all of such cost; provided, however, that in no event shall the cost to the school committee for placement under this section be less than the average per pupil cost for pupils of comparable age within the city, town or school district; and provided, further, that in determining the cost to the parent or guardian, if any, no charge shall be made for any educational cost but only for support and care. In determining the cost to the parent or guardian the department shall apply criteria which take into account relative ability to pay."

The question on passing Section 178, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at nine minutes before eight o'clock P.M., as follows, to wit (yeas 38 — nays 1):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Knapik, Michael R. |
| Bernstein, Robert A. | Lees, Brian P. |
| Berry, Frederick E. | Lynch, Stephen F. |
| Brewer, Stephen M. | Magnani, David P. |
| Clancy, Edward J., Jr. | Melconian, Linda J. |
| Creedon, Robert S., Jr. | Menard, Joan M. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Fargo, Susan C. | Moore, Richard T. |
| Glodis, Guy W. | Morrissey, Michael W. |
| Havern, Robert A. | Murray, Therese |
| Hedlund, Robert L. | Nuciforo, Andrea F., Jr. |
| Jacques, Cheryl A. | Pacheco, Marc R. |

| | |
|---|---|
| Jajuga, James P. | Panagiotakos, Steven C. |
| Joyce, Brian A. | Resor, Pamela |
| Rosenberg, Stanley C. | Tolman, Steven A. |
| Shannon, Charles E. | Travaglini, Robert E. |
| Sprague, Jo Ann | Tucker, Susan C. |
| Tarr, Bruce E. | Walsh, Marian |
| Tisei, Richard R. | Wilkerson, Dianne — 38. |

**NAYS.**

Rauschenbach, Henri S. — 1.

**The yeas and nays having been completed at eight minutes before eight o'clock P.M., Section 178 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

## *Report of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the Springfield Civic and Convention Center (Senate, No. 2230, changed),— ought to pass, with an amendment, striking out section 8 and inserting in place the following section:—

"SECTION 8. If the revenue received by the Convention Center Fund under subsection (b) of section 10 of chapter 152 of the acts of 1997 over any three year period is insufficient to repay the additional $15,000,000 in borrowing authorized under section 1, the amount of the shortfall shall be met as follows:

1) by any surplus funds attributable to the cities of Springfield, West Springfield and Chicopee sources accumulated in previous years from revenue generated in subsection (b) of section 10 of chapter 152 of the acts of 1997;

2) if the surplus funds are insufficient to repay the borrowing authorized under section 1, by implementing a facility betterment fee on events held at the Springfield civic and convention center and by an administrative parking fee on all commercial parking facilities within downtown Springfield which shall be in addition to the fees specified in subsection (f) of section (9) of said chapter 152 the amount of the facility betterment fee and administrative parking fee shall be determined by the Massachusetts Convention Center Authority, the city of Springfield and the Springfield Parking Authority; and

3) If the surplus funds, facility betterment fees and administrative parking fees are insufficient to repay the borrowing authorized under section 1, by payment from the city of Springfield's fiscal year operating budget."

The rules were suspended, on motion of Ms. Melconian, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

**The bill (Senate, No. 2230, changed and amended) was then read a third time, ordered to a third reading, read a third time and passed to be engrossed.**

## Sent to the House for concurrence.

## *Suspension of Senate Rule 38A.*

Ms. Melconian 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.

**PAPER FROM THE HOUSE**.

The House Bill providing for the emergency maintenance of environmental assets of the Commonwealth (House, No. 5308, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2259, amended by inserting after section 6 (as printed) the following section:—

"SECTION 6A. Item 2120-8881 of section 2 of chapter 564 of the acts of 1987 is hereby amended by striking out the word 'eighty-eight.' and inserting in place thereof the following words:— eighty-eight; provided further, that the department of environmental management may issue a grant of not more than $500,000 from the amount appropriated herein to Historic

Massachusetts, Inc., for the purpose of addressing code compliance, public safety improvements, historic preservation, and associated costs at the Baker Chocolate Factory Company Administration Building at Lower Mills in the city of Boston, under the historic curatorship program, so-called, established pursuant to section 44 of chapter 85 of the acts of 1994; provided further, that the grant shall be awarded as a fiscal year 2000 expenditure.", *with a further amendment*, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5426.

**The rules were suspended, on motion of Mr. Pacheco, and the further House amendment was considered forthwith and adopted, in concurrence.**

## *Recess.*

There being no objection, at four minutes before eight o'clock P.M., the President declared a recess subject to the call of the Chair; and, at two minutes before nine o'clock P.M., the Senate reassembled, the President in the Chair.

**PAPERS FROM THE HOUSE**.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Boston (Senate, No. 1982, amended),— came from the House passed to be engrossed, in concurrence, *with amendments* in section 1, in line 8, by inserting after the word "Boston" the words "to an individual or entity for residential purposes"; by striking out section 2 and inserting in place thereof the following section:—
"SECTION 2. Said parcel shall be conveyed to the highest bidder for an amount that is equal to or greater than the full and fair market value of the parcel as determined by an independent appraisal. The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology utilized for said appraisal. Said inspector general shall prepare a report of his review and file said report with the commissioner of the division of capital asset and maintenance for submission to the house and senate committees on ways and means and the joint committee on state administration."; and by adding at the end thereof the following section:—
"SECTION 4. If the parcel of land conveyed by this act is not used for residential purposes, title to all interests in said parcel shall revert to the commonwealth."

**The rules were suspended on motion of Mr. Rosenberg, and the House amendments were considered forthwith and adopted, in concurrence.**

## *Reports of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the finances of the Massachusetts Bay Transportation Authority (House, No. 5367, amended),—ought to pass, *with an amendment,* striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2274.

**There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, in concurrence, with the amendment.**
**Sent to the House for concurrence in the amendment.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to a water supply easement held by the Massachusetts Water Resources Authority in the town of Southborough (House, No. 5078),— ought to pass, *with an amendment,* adding the following paragraph:—
"The consideration paid by the owner of said portion of land benefiting from the release of said easement shall be the full and fair market value of the easement determined by independent appraisal, for its use as described herein. The inspector general shall review and comment on said appraisal and said review shall include an examination of the methodology used for said appraisal. The inspector general shall prepare a report of his review and shall file said report with the commissioner of capital asset management and maintenance for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. Said amendment of said easement shall be subject to such terms and conditions the commissioner shall reasonably deem appropriate."

**There being no objection, the rules were suspended, on motion of Ms. Resor, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment**
**Sent to the House for concurrence in the amendment.**

**PAPERS FROM THE HOUSE.**

## *Message from His Excellency the Governor —*

## Disapprovals and Reductions in General Appropriations Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider items 7066-0019 and 7070-0065 (contained in section 2) and section 169 which had been reduced or disapproved, in accordance with the provisions of the Constitution.
Item 7066-0119 (Massachusetts Space Grant Consortium) was considered, as follows:
"7066-0119 For the commonwealth's contribution to the Massachusetts Space Grant Consortium, so-called; provided, that funds appropriated herein may be used as matching funds for available federal grants 250,000".

[The Governor disapproved the item].
The question on passing item 7066-0119 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty minutes before nine o'clock P.M., as follows, to wit (yeas 29 — nays 7):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Rosenberg, Stanley C.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 29.

**NAYS.**

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 7.

**ABSENT OR NOT VOTING.**

Berry, Frederick E.
Shannon, Charles E. — 3.

**The yeas and nays having been completed at a quarter before nine o'clock P.M., item 7066-0119 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7070-0065 (Scholarship reserve) was considered, as follows:
"7070-0065 For a scholarship program to provide financial assistance to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education; provided, that the Massachusetts state scholarship office is hereby authorized and directed to expend not less than $16,244,748 for community college access grants to ensure that no Massachusetts resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than $500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than $2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that said residents who are not fully eligible for the federal HOPE tax credit, so-called, based on their exceeding maximum income eligibility limits, shall not be eligible for said grants; provided further, that funds from this account may be transferred to 7070-0040 in the event of a deficiency in that account; provided further, that not less than $9,666,947 shall be expended for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in the University of Massachusetts; provided further, that not less than $10,000,000 shall be made available for the no-interest loan program pursuant to clause (cc) of section 9 of chapter 15A of the General Laws; provided further, that of said $10,000,000 not more than $775,000 may be spent for the administration of said no-interest loan program; provided further, that $4,000,000 shall be expended for the part-time student grant program; provided further, that of the sum appropriated herein, not less than $1,000,000 shall be obligated for the purposes of the Massachusetts plan, pursuant to section 5C of chapter 15C of the General Laws; provided further, that the Massachusetts state scholarship office is authorized and directed to expend not less than $20,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; provided further, that not less than $200,000 shall be made available to provide financial assistance for Massachusetts residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act all said aforementioned financial assistance shall be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program, as established in section 16 of chapter 15A of the General Laws, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid guaranteed by said program; provided further, that the state scholarship office is authorized to expend monies for the public service awards as established in said section 16 of said chapter 15A; provided further, that the chancellor of higher education, in coordination with the Massachusetts state scholarship office, shall establish such regulations governing the eligibility and the awarding of financial assistance as said chancellor shall deem necessary; provided further, that not more than $4,000,000 shall be expended for a pilot forgivable loan program, to be known as the Commonwealth Futures program, which shall be developed and operated by the state scholarship office to increase the pool of high skilled workers in the commonwealth in fields of high industry demand; provided further, that said scholarship office shall adopt guidelines for said pilot program which shall set forth the terms for forgivable loan awards which may be made available to students enrolled in specific degree programs which are identified to be fields of high industry demand as determined by the board of higher education in consultation with the Association of Independent Colleges and Universities in Massachusetts; provided further, that said forgivable loans shall be contingent upon Massachusetts residency retention following graduation from Massachusetts independent regionally accredited colleges and universities; provided further, that said guidelines shall set forth matching requirements for such independent institutions; provided further, that not later than November 15, 2000, the state scholarship office shall report to the house and senate committees on ways and means on the status of the implementation of the Commonwealth Futures program, including the number and amount of anticipated forgivable loans which shall be issued in fiscal year 2001, the amount of matching funds committed by private institutions of higher education, and the projected impact on college graduate Massachusetts residency rates and workforce development; and provided further, that not more than $1,798,139 shall be expended on the administration of the scholarship program 100,057,376".

[The Governor reduced the item to $91,811,673 and disapproved of the following wording:— "; provided further, that the Massachusetts state scholarship office is authorized and directed to expand not less than $20,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing". The Governor recommended the following wording:— "; provided further, that the Massachusetts state scholarship office is authorized and directed to expend not less than $18,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing".]

After debate, the question on passing item 7070-0065 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at four minutes before nine o'clock P.M., as follows, to wit (yeas 32 — nays 7):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

**NAYS.**

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 7.

**After debate, the yeas and nays having been completed at two minutes before nine o'clock P.M., item 7070-0065 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 169 (Special education — educational collaboratives) was considered, as follows:—
"SECTION 169. Section 4 of said chapter 71B, as so appearing, is hereby amended by inserting after the word 'district', in line 8, the following words:— ; provided, however, that every school committee, where feasible, shall be associated with an educational collaborative providing services to children with a disability which disability occurs in a low incidence in the population of children requiring special education."

[The Governor disapproved the section.]
After debate, the question on passing Section 169, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at six minutes past nine o'clock P.M., as follows, to wit (yeas 31 — nays 8):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Menard, Joan M. |
| Bernstein, Robert A. | Montigny, Mark C. |
| Berry, Frederick E. | Moore, Richard T. |
| Brewer, Stephen M. | Morrissey, Michael W. |
| Murray, Therese | |
| Creedon, Robert S., Jr. | Nuciforo, Andrea F., Jr. |
| Creem, Cynthia Stone | Pacheco, Marc R. |
| Fargo, Susan C. | Panagiotakos, Steven C. |
| Glodis, Guy W. | Resor, Pamela |
| Havern, Robert A. | Rosenberg, Stanley C. |
| Jacques, Cheryl A. | Shannon, Charles E. |
| Jajuga, James P. | Tolman, Steven A. |
| Joyce, Brian A. | Travaglini, Robert E. |
| Lynch, Stephen F. | Tucker, Susan C. |
| Magnani, David P. | Walsh, Marian |
| Melconian, Linda J. | Wilkerson, Dianne — 31. |

**NAYS.**

| | |
|---|---|
| Clancy, Edward J., Jr. | Hedlund, Robert L. |
| Knapik, Michael R. | Sprague, Jo Ann |
| Lees, Brian P. | Tarr, Bruce E. |
| Tisei, Richard R. — 8. | Rauschenbach, Henri S. |

**The yeas and nays having been completed at nine minutes past nine o'clock P.M., Section 169 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

### *Emergency Preambles Adopted.*

An engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5368,amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 18 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill making appropriations for the fiscal year 2000 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5424, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 15 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

The Senate Bill establishing a municipal police training committee (Senate, No. 2221, amended),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5397.

**The rules were suspended, on motion of Mr. Jajuga, and the House amendment was considered forthwith and adopted, in concurrence, as corrected by the committee on Bills in the Third Reading.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider items 4590-0451, 1108-5200 and 7006-0066 (contained in section 2), which had been reduced or disapproved, in accordance with the provisions of the Constitution.
Item 4590-0451 (School health services) was considered, as follows:
"4590-0451 For a school health services program partially funded in item 4590-0300; provided, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that funds shall be expended from this item for said services in public and non-public schools; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration, (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and provided further, that notwithstanding the provisions of section 72 of chapter 44 of the General Laws, any federal reimbursement collected as a result of the purposes described in this item shall be credited to the Tobacco Settlement Fund, as established pursuant section 2xx of chapter 29 of the General Laws; and provided further, that the department shall report to the house and senate committees on ways and means by not later than October 1, 2000 on the feasibility of including an oral health component to the school health services program, including additional grant money to be awarded to those school districts whose program includes an oral health component 16,125,000
Tobacco Settlement Fund 100.0%".

[The Governor reduced the item to $6,500,000].

After debate, the question on passing item 4590-0451 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seventeen minutes past nine o'clock P.M., as follows, to wit (yead 35 — nays 4):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Clancy, Edward J., Jr. | Nuciforo, Andrea F., Jr. |
| Creedon, Robert S., Jr. | Pacheco, Marc R. |
| Creem, Cynthia Stone | Panagiotakos, Steven C. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tisei, Richard R. |
| Jajuga, James P. | Tolman, Steven A. |

Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 35.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E. — 4.

**The yeas and nays having been completed at twenty-one minutes past nine o'clock P.M., item 4590-0451 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 1108-5200 (insurance premium costs) was considered, as follows:
"1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2001; provided, that not more than $300,000 shall be obligated for the evaluation and audit of said premium and plan costs; provided further, that not more than $300,000 shall be obligated for the evaluation and negotiation of premium rates, which may include rates for health benefit plans, prescription drug plans and long-term disability plans; provided further, that not more than $150,000 shall be obligated for claims utilization analysis; provided further, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the general fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expanded from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance is authorized and directed to charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for said charges shall be credited to the general fund; provided further, that, notwithstanding the provisions of section 26 of chapter 29 of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts prior to July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding the provisions of chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A. the commonwealth's share of the group insurance premium for state employees who have retired prior to July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates; provided further, that notwithstanding the provisions of chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and rates; and provided further, that the commission shall notify the house and senate committees on ways and means by February 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year 614,020,978".

[The Governor reduced the item to $589,4000,559 and disapproved of the following wording:— ; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates" and "and provided further, that the commission shall notify the house and senate committees on ways and means by February 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year".

After debate, the question on passing item 1108-5200 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-five minutes past nine o'clock P.M., as follows, to wit (yeas 38 — nays 1):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Rauschenbach, Henri S.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

**NAYS.**

Lees, Brian P. — 1.

**The yeas and nays having been completed at twenty-eight minutes past nine o'clock P.M., item 1108-5200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7006-0066 (Local consumer inspection) was considered, as follows:
"7006-0066 For the support of the division of standard's municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of said dvision 300,000".

[The Governor disapproved the item].
After debate, the question on passing item 7006-0066 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at half past nine o'clock P.M., as follows, to wit (yeas 33 — nays 6):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Lynch, Stephen F.
Magnani, David P.

Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Walsh, Marian
Wilkerson, Dianne — 33.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 6.

**The yeas and nays having been completed at twenty-seven minutes before two o'clock P.M., item 7006-0066 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

***Engrossed Bill.***

An engrossed Bill relative to minimum standards for public bathing waters (see House, No. 5395, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-six minutes before ten o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.

Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at twenty-four minutes before ten o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.**

### *Engrossed Bills.*

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor on Tuesday, August 1, for his approbation, to wit:

Providing for the transfer of land within the town of Plainville from the King Philip Regional School District to the town of Plainville (see House Bill, printed as Senate, No. 1992);

Designating a state highway in the town of Westford as the Pat Bradley Highway (see House, No. 3019);

Relative to the governing committee of the medical malpractice reinsurance plan (see House, No. 4538);

Exempting the position of plumbing inspector of the town of Halifax from the provisions of the civil service law (see House, No. 4746);

Relative to the establishment of a child fatality review team (see House, No. 4847, amended); and

Relative to the special commission on oral health (see House, No. 5076, changed and amended).

A Bill relative to insurance and genetic testing and privacy protection (House, No. 5416, amended,— on House, No. 2461),— was read.

**There being no objection, the rules were suspended, on motion of Ms. Melconian, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

A Bill authorizing the town of Barnstable to convey certain conservation land (House, No. 5310,— on petition) [Local approval received],— was read.

**There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### *Emergency Preambles Adopted.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain property in the city of Fitchburg (see House, No. 5009, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final

passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 18 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill providing for an accelerated transportation development and improvement program for the commonwealth (see Senate, No. 2272), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 13 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

## *Message from His Excellency the Governor —*

## Disapprovals and Reductions in General Appropriations Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider several items (contained in section 2), which had been reduced, in accordance with the provisions of the Constitution.

Item 4570-1500 (Breast cancer prevention) was considered, as follows:
"4570-1500 For an early breast cancer detection program, mammographies for the uninsured, breast cancer research and a breast cancer detection public awareness program; provided, that not less than $1,950,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in 'areas of unique opportunity'; provided further, that hot less than $3,000,000 shall be expended for a breast cancer research grant program to support innovative research by investigators who are in the formative stages of their careers; provided further, that the department shall name one of said research grants the 'Suzanne Sheets Breast Cancer Research Fellowship'; provided further, that said research grants shall be awarded to investigators, post-doctoral fellows and assistant professors who are within ten years after completion of their highest degree or within ten years after completion of clinical training; provided further, that $500,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer; provided further, that members of any selection review committee for the breast cancer research grant program shall be subject to chapter 268A of the General Laws and shall not participate in the review or recommendation of an application filed by an organization with which they are affiliated; provided further, that such members may participate in the review and recommendations of applications filed by organizations with which they are not affiliated; provided further, that $250,000 shall be expended for research grants for experienced researchers, subject to the receipt of matching funds from public or private sources; provided further, that $1,000,000 shall be expended for the purposes of an early breast cancer detection and education program for uninsured women in identified high-risk communities with increased rates of breast cancer, in order to provide outreach, access, screening and training for early detection and treatment; and provided further, that the department shall submit to the house and senate committees on ways and means a detailed report delineating the amounts allocated to such high risk communities and the specific purposes of such allocation 9,933,719
General Fund 80.0%".
Health Protection Fund 20.0%".

[The Governor reduced the item to $8,926,284].
After remarks, the question on passing item 4570-1500 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eighteen minutes before two o'clock P.M., as follows, to wit (yeas 39 — nays 0):

### YEAS.

| | |
|---|---|
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |

Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at sixteen minutes before ten o'clock P.M., item 4570-1500 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 6010-0001 (Massachusetts Highway Department) was considered, as follows:
"6010-0001 For non-personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the highways commissioner, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment, the maintenance and operation of state highways and bridges; provided, that no funds from this item shall be expended for the DD subsidiary costs, so called, appropriated in item 6010-1000; provided further, that the department shall submit to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program and the chapter 90 program, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports; provided further, that notwithstanding the provisions of any administrative bulletin, general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to the provisions of section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the secretary of transportation and construction for approval requests to repair vehicles costing in excess of the limit set forth in said section 22 of said chapter 7; provided further, that the department shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval; provided further, that said department shall fulfill its commitment to award a contract for the Main street/route 122A road construction project in the town of Holden by August 15, 2000; provided further, that should said department fail to meet said deadline, then said department shall submit monthly reports to the house and senate committees on ways and means and to the Holden board of selectmen detailing the reason for the project's delay and including a project status report; provided further, that not more than $500,000 shall be expended for sound barriers on route I-91 in the city of Holyoke; provided further, that not more than $50,000 shall be expended for the study and design of extending a sidewalk to the United States post office on route 119 in the town of Groton; provided further, that $300,000 shall be expended for equipment for a closed loop system to interconnect the light signals for the 6 intersections from Crosby's Corner to the Prison Rotary on route 2 in the town of Concord; provided further, that not more than $50,000 shall be expended for the study and

design of a sidewalk project connecting low and moderate income housing to the school complex on route 119 in the town of Groton; provided further, that $100,000 shall be expended for lighting improvements at the intersection of route 128 and route 28 in the town of Randolph; provided further, that not less than $200,000 shall be expended for beautification and other improvements to the rotary at the intersection of route 107 and route 60, commonly known as Brown Circle, and the Squire Road section of route 60 in the city of Revere; provided further, that the town of Saugus shall be reimbursed for the design work for phase A and C on the Walnut street reconstruction project in the amount of $461,046; provided further, that $1,500,000 shall be expended to reimburse the town of Georgetown for projects undertaken pursuant to section 70 of chapter 11 of the acts of 1997 and section 2A of chapter 205 of the acts of 1996; provided further, that not less than $250,000 shall be expended for the initial phase of the route 495/route 109 interchange project in the town of Milford; provided further, that not less than $120,000 shall be expended for improvements including resurfacing and related work on route 120 in the town of North Attleborough; provided further, that not less than $100,000 shall be expended for the purpose of providing a replicable model to improve pedestrian safety at a local elementary school in the town of Brookline, by installing traffic calming devices on the streets surrounding the Driscoll school; provided further, that not less than $250,000 shall be expended for street lighting projects on Shrewsbury street in the city of Worcester; provided further, that $100,000 shall be expended for the completion of the park and ride facility on route 127 in the town of Rockport; provided further, that not more than $65,000 shall be expended for the study and design of sidewalks on the west side of route 18 in the town of Whitman; provided further, that not more than $1,000,000 shall be expended for the repair of the Dover road bridge in the towns of Dover and Needham; provided further, that not less than $175,000 shall be expended for the study and design of the Highland avenue turnback project between the Charles River bridge and First avenue in the town of Needham; provided further, that not more than $200,000 shall be expended for traffic safety improvements and signalization on route 3A in the town of Billerica; and provided further, that not more than $150,000 shall be expended for the resurfacing of Hammett street in the town of Ipswich and the restoration of sidewalks adjacent thereto
17,108,065
Highway Fund 100.0%".

[The Governor reduced the item to $13,772,019 and disapproved of the following wording:— "; provided further, that the department shall submit to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program and the chapter 90 program, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports"; and "; provided further, that the department shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval; provided further, that said department shall fulfill its commitment to award a contract for the Main street/route 122A road construction project in the town of Holden by August 15, 2000; provided further. that should said department fail to meet said deadline, then said department shall submit monthly reports to the house and senate committees on ways and means and to the Holden board of selectmen detailing the reason for the project's delay and including a project status report"; and "; provided further, that $300,000 shall be expended for equipment for a closed loop system to interconnect the light signals for the 6 intersections from Crosby's Corner to the prison Rotary on route 2 in the town of Concord"; and "; provided further, that $100,000 shall be expended for lighting improvements at the intersection of route 128 and route 28 in the town of Randolph; provided further, that not less than $200,000 shall be expended for beautification and other improvements to the rotary at the intersection of route 107 and route 60, commonly known as Brown Circle, and the Squire Road section of route 60 in the city of Revere; provided further, that the town of Saugus shall be reimbursed for the design work for phase A and C on the Walnut street reconstruction project in the amount of $461,046; provided further, that $1,500,000 shall be expended to reimburse the town of Georgetown for projects undertaken pursuant to section 70 of chapter 11 of the acts of 1997 and section 2A of chapter 205 of the acts of 1996; provided further, that not less than $250,000 shall be expended for the initial phase of the route 495/route 109 interchange project in the town of Milford"; and "; provided further, that not less than $100,000 shall be expended for the purpose of providing a replicable model to improve pedestrian safety at a local elementary school in the town of Brookline, by installing traffic calming devices on the streets surrounding the Driscoll school; provided further, that not less than $250,000 shall be expended for street lighting projects on shrewsbury street in the city of Worcester"; and "; provided further, that not less than $175,000 shall be expended for the study and design of the Highland avenue turnback project between the Charles River bridge and First avenue in the town of Needham."

After debate, the question on passing item 6010-0001 notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at ten minutes before ten o'clock P.M., as follows, to wit (yeas 33 — nays 6):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |

Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 33.

**NAYS.**

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tisei, Richard R. — 6.

**Ms. Melconian in the Chair, the yeas and nays having been completed at eight minutes before ten o'clock P.M., item 6010-0001 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 4513-1112 (Prostate cancer) was considered, as follows:
"4513-1112 For a prostate cancer screening, education and treatment program; provided, that not less than $1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment; and provided further, that said research shall pay particular focus on the high rate of prostate cancer for African American males 3,200,000
General Fund 93.75%"
Tobacco Settlement Fund 6.25%".

[The Governor reduced the item to $2,033,488 and disapproved of the following wording:— "; provided, that not less than $1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment".

The Governor recommended the following wording:— "; provided, that not less than $533,488 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment".

After remarks, the question on passing item 4513-1112 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at two minutes before ten o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Montigny, Mark C.
Moore, Richard T.

Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at four minutes past ten o'clock P.M., item 4513-1112 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 2100-2030 (Recreation and conservation) was considered, as follows:
"2100-2030 For the recreational and resource conservation operations of the department; provided, that funds appropriated herein shall be used to operate all of the department's parks, heritage state parks, reservations, campgrounds, beaches, and pools, and for the oversight of rinks; provided further, that funds appropriated herein shall be used to protect and manage the department's lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided further, that $600,000 shall be made available for repairs and maintenance to the Newburyport boardwalk; provided further, that not less than $130,000 shall be expended on the Leominster state pool to comply with department of environmental protection, Americans with Disabilities Act, and department of public health regulations; provided further, that not less than $105,137 shall be expended for the restoration of Mill pond in West Newbury; provided further, that $150,000 shall be made available for the purposes of building a boardwalk along a trail in the Chebacco woods; provided further, that $50,000 shall be expended for the repair and upgrade of facilities at Dighton Rock state park; provided further, that $42,000 shall be expended for one full time park ranger and one seasonal park ranger at Walden pond in Concord; provided further, that not less than $3,340 shall be expended for the purposes of planting ten white trees in Southwell park; provided further, that $400,000 shall be made available to address drainage and flooding and enhancing recreational opportunity at Ell pond in Melrose and its surrounding communities; provided further, that $250,000 shall be expended for the improvement and preservation of the Craigville Pond and Centerville River System, known as the Red Lily Pond Restoration project, provided, that the department shall enter into contracts with the Red Lily Pond Project Association; provided further, that not less than $100,000 shall be expended for design work for the Rail Trail extension in the town of Yarmouth; provided further, that $40,000 shall be expended for a heavy equipment operator in Myles Standish State Forest; provided further, that not less than $150,000 shall be expended for a one-time grant for the preparation of a unified heritage preservation and interpretive plan for the Quinebaug and Shetucket Rivers Valley Heritage district pursuant to the provisions of chapter 127 of the acts of 1997; provided further, that $50,000 shall be provided for the Blackstone River Canal Commission; provided further, that not less than $50,000 shall be provided for the promotion of tourism in the city of Fall River, including the Fall River heritage state park; provided further, that such funds shall be administered by the city of Fall River; provided further, that $100,000 shall be made available for a Heritage Rivers pilot program, so-called, in

the city of Taunton; provided further, that $95,000 shall be expended for the New Bedford community boating center at Fort Rodman; provided further, that not less than $250,000 shall be obligated for the Schooner Ernestina Commission; provided further, that $85,000 shall be expended as a matching grant for the purchase of open space on King street in the town of Hanover; provided further, that $150,000 shall be expended by the department to work in conjunction with the town of Wilmington for cleanup, maintenance, and construction in Wilmington Town Forest; provided further, that two year-round employees shall be hired for the purposes of fire control in District 14 of Region 3 of the Bureau of Forest Fire Control; provided further, that not less than $130,000 shall be expended on the Clinton state pool to comply with the department of environmental protection, Americans with Disabilities Act, and department of public health regulations; provided further, that $160,000 shall be expended for repairs and reconstruction of the Senator P. Eugene Casey pool in Milford; provided further, that a matching grant of $150,000 shall be expended for the purchase of surplus MBTA rail-bed, one-mile long and seventy-five feet wide, totaling 5.2 acres in north Plymouth, to be used for a nature trail and bike path; provided further, that not less than $50,000 shall be allocated to the District 10 Fire Control to replace its county patrol truck; provided further, that $236,000 shall be made available to the town of Reading for costs incurred from purchasing the Marion Woods property along the Ipswich River; provided further, that not more than $35,000 shall be expended to repair and upgrade facilities at Roxbury Heritage state park; provided further, that no funds from this item shall be made available for payment to true seasonal employees, so-called; and provided further, that the department may issue grants to public and non-public entities from this line item 25,677,383"

[The Governor reduced the item to $23,150,906 and disapproved of the following wording:— "; provided further, that $600,000 shall be made available for repairs and maintenance to the Newburyport boardwalk; provided further, that not less than $130,000 shall be expended on the Leominster state pool to comply with department of environmental protection, Americans with Disabilities Act, and department of public health regulations; provided further, that not less than $105,137 shall be expended or the restoration of Mill pond in West Newbury"; and "; provided further, that $50,000 shall be expended for the repair and upgrade of facilities at Dighton Rock state park; provided further, that $42,000 shall be expended for one full time park ranger and one seasonal park ranger at Walden pond in Concord; provided further, that not less than $3,340 shall be expended for the purposes of planting ten white trees in Southwell park"; and "; provided further, that $250,000 shall be expended for the improvement and preservation of the Craigville Pond and Centerville River System, known as the Red Lily Pond Restoration project, provided, that the department shall enter into contracts with the Red Lily Pond Project Association; provided further, that not less than $100,000 shall be expended for design work for the Rail Trail extension in the town of Yarmouth; provided further, that $40,000 shall be expended for a heavy equipment operator in Myles Standish State Forest; provided further that not less than $150,000 shall be expended for a one-time grant for the preparation of a unified heritage preservation and interpretive plan for the Quinebaug and Sherucket Rivers Valley Heritage district pursuant to the provisions of chapter 127 of the acts of 1997; provided further, that $50,000 shall be provided for the Blackstone River Canal Commission; provided further, that not less than $50,000 shall be provided for the promotion of tourism in the city of Fall River, including the Fall River heritage state park; provided further, that such funds shall be administered by the city of Fall River; provided further, that $100,000 shall be made available for a Heritage Rivers pilot program, so-called, in the city of Taunton; provided further, that $95,000 shall be expended for the New Bedford community boating center at Fort Rodman"; and "; provided further, that $85,000 shall be expended as a matching grant for the purchase of open space on King street in the town of Hanover"; and "; provided further, that not less than $130,000 shall be expended on the Clinton state pool to comply with the department of environmental protection, Americans with Disabilities Act, and department of public health regulations; provided further, that $160,000 shall be expended for repairs and reconstruction of the Senator P. Eugene Casey pool in Milford; provided further, that a matching grant of $150,000 shall be expended for the purchase of surplus MBTA rail-bed, one-mile long and seventy-five feet wide, totaling 5.2 acres in north Plymouth, to be used for a nature trail and bike path"; and "; provided further, that $236,000 shall be made available to the town of Reading for costs incurred from purchasing the Marion Woods property along the Ipswich River."

After debate, the question on passing item 2100-2030 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at five minutes past ten o'clock P.M., as follows, to wit (yeas 36 — nays 3):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Fargo, Susan C. |
| Bernstein, Robert A. | Glodis, Guy W. |
| Berry, Frederick E. | Havern, Robert A. |
| Brewer, Stephen M. | Hedlund, Robert L. |
| Clancy, Edward J., Jr. | Jacques, Cheryl A. |
| Creedon, Robert S., Jr. | Jajuga, James P. |
| Creem, Cynthia Stone | Joyce, Brian A. |

Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Sprague, Jo Ann — 3.

**The yeas and nays having been completed at eight minutes past ten o'clock P.M., item 2100-2030 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 2100-0005 (Inland waterways and harbors program) was considered, as follows:
"2100-0005 For the department of environmental management pursuant to the purposes of section 10A½ of chapter 91 of the General Laws; provided, that not less then $206,250 shall be made available for repairs to the Snow's Pond Dam in the town of Ware; provided further, that not less then $400,000 shall be made available for a dredging project for West Island; provided further, that $100,000 shall be made available for the dredging of the Pine Tree Brook from Blue Hills to the Neponset River; provided further, that not more than $250,000 shall be expended for repairs to War Memorial Park Dam; provided further, that $10,000 shall be expended for vegetation mitigation at Cobbs pond in Walpole; provided further, that $375,000 shall be expended for the dredging of Weir River; provided further, that not less than $50,000 shall be expended for repairs to the dam at Forge pond in the town of East Bridgewater; provided further, that not less than $76,000 shall be expended for the repairs at Blood pond dam in the town of Hopkinton; provided further, that $330,000 shall be provided for the dredging and clean-up of Hardy pond; provided further, that not less than $300,000 shall be expended for completing renovation to a pier in the town of Salisbury; provided further, that not less than $25,000 shall be allocated to the town of Upton for the repair of Pratt Pond dam; provided further, that not less than $175,000 shall be expended for an aquifer storm water discharge program in the town of Franklin; provided further, that not less than $60,000 shall be expended for the Martha's Vineyard Commission; provided further, that not less than $35,000 shall be expended for a contract with Dukes county for the management and maintenance of Joseph Sylvia state beach; provided further, that $100,000 shall be expended to reimburse the expenses of the Middlesex canal commission; provided further, that $5,000 shall be expended for repairs to Diamond pond dam; provided further, that $10,000 shall be expended for sediment mitigation at Clark's pond; provided further, that $53,373 shall be expended for dredging Hingham harbor; provided further, that $150,000 shall be expended as a matching grant for local dam projects in Oxford; provided further, that $230,000 shall be expended for engineering studies for the repair of the Marblehead seawall; provided further, that not more than $250,000 shall be expended for the dredging of Little Harbor; provided further, that $46,000 shall be expended for the control of the exotic aquatic weed Eurasian Watermilfoil in Dudley pond in the town of Wayland as it is designated a great pond; provided further, that $50,000 shall be expended for repair and replacement of piers in Cohasset; provided further, that $100,000 shall be expended for one aquatic plant harvester to be shared by the towns of Duxbury, Hanson, and Pembroke; provided further, that $200,000 shall be expended for the restoration of Milford pond, also known as cedar pond, in the town of Milford; provided further, that $50,000 shall be expended to reimburse the town of Saugus for aquatic nuisance control at Griswold pond; provided further, that $100,000 shall be provided for the restoration of Whitman's pond; provided further, that $32,500 shall be expended for the Lewis Bay Waterways Revitalization project; provided further, that $200,000 shall be expended for the restoration of Hall's pond in Brookline; and provided further, that said department may issue grants to public and non-public entities from this 6,727,905
Harbors and Inland Waters

Maintenance Fund 88.48%
General Fund 11.52% ".

[The Governor reduced the item to $4,783,532 and disapproved of the following wording:— ", provided further, that not less then $400,000 shall be made available for a dredging project for West Island; provided further, that $100,000 shall be made available for the dredging of the Pine Tree Brook from Blue Hills to the Neponset River"; and "; provided further, that not less than $50,000 shall be expended for repairs to the dam at Forge pond in the town of East Bridgewater; provided further, that not less than $76,000 shall be expended for the repairs at Blood pond dam in the town of Hopkinton"; and "; provided further, that not less than $300,000 shall be expended for completing renovation to a pier in the town of Salisbury; provided further, that not less than $25,000 shall be allocated to the town of Upton for the repair of Pratt Pond dam; provided further, that not less than $175,000 shall be expended for an aquifer storm water discharge program in the town of Franklin"; and "; provided further, that not less than $35,000 shall be expended for a contract with Dukes county for the management and maintenance of Joseph Sylvia state beach; provided further, that $100,000 shall be expended to reimburse the expenses of the Middlesex canal commission"; and "; provided further, that $53,373 shall be expended for dredging Hingham harbor"; and "; provided further, that $230,000 shall be expended for engineering studies for the repair of the Marblehead seawall"; and "; provided further, that $50,000 shall be expended for repair and replacement of piers in Cohasset"; and "; provided further, that $200,000 shall be expended for the restoration of Milford pond, also known as Cedar pond, in the town of Milford; provided further, that $50,000 shall be expended to reimburse the town of Saugus for aquatic nuisance control at Griswold pond" and "; provided further, that $100,000 shall be provided for the restoration of Whitman's pond"; and "; provided further, that $200,000 shall be expended for the restoration of Hall's pond in Brookline.".

The governor recommended the following wording:— "; provided further, that not less than $200,000 shall be expended for completing renovation to a pier in the town of Salibury.".

After debate, the question on passing item 2100-0005 notwithstanding the objections of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eleven minutes past ten o'clock P.M., as follows, to wit (yeas 34 — nays 5):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Hedlund, Robert L. |
| Bernstein, Robert A. | Jacques, Cheryl A. |
| Berry, Frederick E. | Jajuga, James P. |
| Brewer, Stephen M. | Joyce, Brian A. |
| Clancy, Edward J., Jr. | Lynch, Stephen F. |
| Creedon, Robert S., Jr. | Magnani, David P. |
| Creem, Cynthia Stone | Melconian, Linda J. |
| Fargo, Susan C. | Menard, Joan M. |
| Glodis, Guy W. | Montigny, Mark C. |
| Havern, Robert A. | Moore, Richard T. |
| Morrissey, Michael W. | Shannon, Charles E. |
| Murray, Therese | Tarr, Bruce E. |
| Nuciforo, Andrea F., Jr. | Tolman, Steven A. |
| Pacheco, Marc R. | Travaglini, Robert E. |
| Panagiotakos, Steven C. | Tucker, Susan C. |
| Resor, Pamela | Walsh, Marian |
| Rosenberg, Stanley C. | Wilkerson, Dianne — 34. |

**NAYS.**

| | |
|---|---|
| Knapik, Michael R. | Sprague, Jo Ann |

Lees, Brian P.
Rauschenbach, Henri S.
Tisei, Richard R. — 5.

**The yeas and nays having been completed, at thirteen minutes past ten o'clock P.M., item 2100-0005 stands, in concurrence, notwithstanding the objections of His Excellency the governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

### *Emergency Preambles Adopted.*

An engrossed Bill providing for the emergency maintenance of environmental assets of the Commonwealth (see House, No. 5308, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 16 to 0. The bill was signed by Ms. Melconian, the Acting President (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the chair) and sent to the House for enactment.**

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Leicester (see House, No. 4569), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 15 to 0.**
**The bill was signed by Ms. Melconian, the Acting President, and sent to the House for enactment.**

### *Engrossed Bill — State Loan.*

An engrossed Bill providing for the disposition of certain property at the Rutland Heights State Hospital (see House, No. 5342) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at a quarter past ten o'clock P.M., as follows, to wit (yeas 37 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.

Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Walsh, Marian
Wilkerson, Dianne — 37.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E.
Clancy, Edward J., Jr. — 2.

**The yeas and nays having been completed at eighteen minutes past ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by Ms. Melconian, the Acting President, and laid before the Governor on Tuesday, August 1, for his approbation.**

***Engrossed Bill.***

An engrossed Bill making appropriations for the fiscal year 2000 to provide for supplementing certain existing appropriaions and for certain other activities and projects (see House, No. 5424, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at eighteen minutes past ten o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

The yeas and nays having been completed at twenty-one minutes past ten o'clock P.M., the bill was passed to be enacted and it was signed by Ms. Melconian, the Acting President, and laid before the Governor on Tuesday, August 1, for his approbation.

***Engrossed Bill — Land Taking for***

**Conservation, Etc.— State Loan.**

An engrossed Bill providing for an accelerated transportation development and improvement program for the commonwealth (see Senate, No. 2272) (which originated in the Senate), having been certified by the Senate Clerk to be rightly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land and other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution; and, this being a bill that provided for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past ten o'clock P.M., as follows, to wit (yeas 38 — nays 1):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

**NAYS.**

Rauschenbach, Henri S. — 1.

**The yeas and nays having been completed at twenty-four minutes past ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by Ms. Melconian, the Acting President, and laid before the Governor on Tuesday, August 1, for his approbation.**

***Engrossed Bill — State Loan.***

An engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5368, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, after remarks, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-six minutes past ten o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Clancy, Edward J., Jr. | Nuciforo, Andrea F., Jr. |
| Creedon, Robert S., Jr. | Pacheco, Marc R. |
| Creem, Cynthia Stone | Panagiotakos, Steven C. |
| Fargo, Susan C. | Rauschenbach, Henri S. |
| Glodis, Guy W. | Resor, Pamela |
| Havern, Robert A. | Rosenberg, Stanley C. |
| Hedlund, Robert L. | Shannon, Charles E. |
| Jacques, Cheryl A. | Sprague, Jo Ann |
| Jajuga, James P. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | Travaglini, Robert E. |
| Lynch, Stephen F. | Tucker, Susan C. |
| Magnani, David P. | Walsh, Marian |
| Melconian, Linda J. | Wilkerson, Dianne — 39. |
| Menard, Joan M. | |

**NAYS — 0.**

**The yeas and nays having been completed at twenty-eight minutes past ten o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by Ms. Melconian, the Acting President, and laid before the Governor on Tuesday, August 1, for his approbation.**

***Engrossed Bill — State Loan.***

An engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5425) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-nine minutes past ten o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |

Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

The yeas and nays having been completed at twenty-nine minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President, and laid before the Governor on Tuesday, August 1, for his approbation.

***Engrossed Bill — Land Taking for Conservation, Etc.***

An engrossed Bill providing for the conveyance of certain land in the town of Sandwich (see House, No. 4129, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes before eleven o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela

Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

The yeas and nays having been completed at twenty-six minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by Ms. Melconian, the Acting President, and laid before the Governor on Tuesday, August 1, for his approvation.

***Report of a Committee.***

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the licensing of apprentice hoisting engineers (House, No. 5264),— ought to pass.
**There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, and, after remarks, was ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

***Engrossed Bill — State Loan.***

An engrossed Bill providing for the emergency maintenance of environmental assets of the Commonwealth (see House, No. 5308, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes before eleven o'clock P.M., as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.

Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at nineteen minutes before eleven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by Ms. Melconian, the Acting President, and laid before the Governor on Tuesday, August 1, for his approbation.**

### *Reports of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Fisheries and Wildlife to convey an easement over a certain parcel of land in Bourne (Senate, No. 1875),— ought to pass.
**There being no objection, the rules were suspended, on motion of Mr. Jajuga, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

### Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Boylston (House, No. 5220),— ought to pass.
**There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### *Message from His Excellency the Governor —*

### Disapprovals and Reductions in General Appropriations Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider section 403 and item 7004-0087 (contained in section 2), which had been disapproved and reduced, in accordance with the provisions of the Constitution.
Section 403 (Nursing home bed holds) was considered, as follows:
"SECTION 403. Notwithstanding any general or special law to the contrary, the division of medical assistance shall extend the number of nursing facility bed-hold days to 20 for patients of the facility on medical leaves of absence from the facility receiving benefits under chapter 118E of the General Laws, established in section 284 of chapter 194 of the acts of 1998. The division shall pay to reserve a bed for patients admitted on an inpatient basis to a hospital, as defined by the division's regulations, for up to 20 consecutive days. Reimbursement to nursing facilities for the eleventh through the twentieth bed-hold day, inclusive, shall be paid at the lowest rate established by the division of health care finance and policy for the nursing facility in which the person resides for the rate year in which the medical leave of absence occurs. For the purposes of this section, a 'medical leave of absence' shall be defined as an inpatient hospital admission which meets all criteria for Medicare hospital level of care pursuant to the provisions of Title XVIII of the federal Social Security Act, as determined by the federal health care financing administration or its agent.
Nothing in this section shall establish an obligation of the commonwealth or the division of medical assistance to offer extended bed-hold days under the provisions of this section for any medical leave of absence that does not meet the criteria or

determinations for medical necessity.
The criteria and standards in effect for bedholds for non-medical leaves of absence shall remain the same as those in effect in fiscal year 2000.”

[The Governor disapproved the section.] After debate, the question on passing Section 403, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter before eleven o’clock P.M., as follows, to wit (yeas 37 — nays 2):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Moore, Richard T. |
| Bernstein, Robert A. | Morrissey, Michael W. |
| Berry, Frederick E. | Murray, Therese |
| Brewer, Stephen M. | Nuciforo, Andrea F., Jr. |
| Clancy, Edward J., Jr. | Pacheco, Marc R. |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C. |
| Creem, Cynthia Stone | Rauschenbach, Henri S. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Jajuga, James P. | Tisei, Richard R. |
| Joyce, Brian A. | Tolman, Steven A. |
| Lynch, Stephen F. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |
| Melconian, Linda J. | Walsh, Marian |
| Menard, Joan M. | Wilkerson, Dianne — 37. |
| Montigny, Mark C. | |

**NAYS.**

| | |
|---|---|
| Knapik, Michael R. | Lees, Brian P. — 2. |

**The yeas and nays having been completed at thirteen minutes before eleven o’clock P.M., Section 403 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7004-0087 (CDAG II grants to municipalities) was considered, as follows:
“7004-0087 For state financial assistance in the form of grants to municipalities for community development and management of capital; provided further, that sums appropriated herein may be transferred to other items of appropriation; provided further, that not more than $174,210 as a one-time compensation for the difference between the sewer rate transport paid to the city of Worcester and the sewer transport rate charged to the towns of Holden, Rutland, and West Boylston for the transport of sewerage through the city of Worcester to the upper Blackstone water pollution abatement district, so-called; provided further, that not more than $250,000 shall be expended for the development of a community safety center at parcel number 62, the west side of Plansfield street in the city of Springfield; provided further, that not more than $250,000 shall be expended for the rehabilitation of property within the city of Lawrence; provided further, that not more tnan $500,000 shall be expended as a grant for

wastewater system improvements in the town of Holliston; provided further, that not more $100,000 shall be expended for the Puerto Rican cultural center of Springfield; provided further, that not less than $125,000 shall be expended for the building blocks initiative for the renovation of abandoned properties identified by the south Worcester neighborhood center working in partnership with other private, public and non-profit institutions who will leverage additional funding for said properties in the section of the city known as south Worcester; provided further, that not more than $750,000 shall be expended for the demolition and development of property in the city of Lawrence; and provided further, that not more than $150,000 shall be expended as a grant for the Quinebaug-Shetucket rivers valley national heritage corridor commission, so-called 2,299,210".

[The Governor reduced the item to $1,125,000]. The question on passing item 7004-0087 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twelve minutes before eleven o'clock P.M., as follows, to wit (yeas 35 — nays 4):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Jajuga, James P. |
| Bernstein, Robert A. | Joyce, Brian A. |
| Berry, Frederick E. | Lynch, Stephen F. |
| Brewer, Stephen M. | Magnani, David P. |
| Clancy, Edward J., Jr. | Melconian, Linda J. |
| Creedon, Robert S., Jr. | Menard, Joan M. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Fargo, Susan C. | Moore, Richard T. |
| Glodis, Guy W. | Morrissey, Michael W. |
| Havern, Robert A. | Murray, Therese |
| Hedlund, Robert L. | Nuciforo, Andrea F., Jr. |
| Jacques, Cheryl A. | Pacheco, Marc R. |
| Panagiotakos, Steven C. | Tolman, Steven A. |
| Resor, Pamela | Travaglini, Robert E. |
| Rosenberg, Stanley C. | Tucker, Susan C. |
| Shannon, Charles E. | Walsh, Marian |
| Sprague, Jo Ann | Wilkerson, Dianne — 35. |
| Tarr, Bruce E. | |

**NAYS.**

| | |
|---|---|
| Knapik, Michael R. | Rauschenbach, Henri S. |
| Lees, Brian P. | Tisei, Richard R. — 4. |

**The yeas and nays having been completed at ten minutes before eleven o'clock P.M., item 7004-0087 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

***Emergency Preamble Adopted.***

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Boston (see Senate, No. 1982, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in**

**concurrence, by a vote of 9 to 0.**
**The bill was signed by Ms. Melconian, the Acting President, and sent to the House for enactment.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider several items (contained in section 2) and section 225, which had been reduced or disapproved, in accordance with the provisions of the Constitution.

Item 7006-0067 (Item pricing retained revenue) was considered, as follows:
"7006-0067 The division of standards is hereby authorized to expend an amount not to exceed $338,000 from revenues received from item pricing violations collected through municipal inspection efforts 338,000".

[The Governor disapproved the item].
After debate, the question on passing item 7006-0067 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at three minutes before eleven o'clock P.M., as follows, to wit (yeas 33 — nays 6):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 33.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Sprague, Jo Ann
Tarr, Bruce E.

Rauschenbach, Henri S. Tisei, Richard R. — 6.

**The yeas and nays having been completed at one minute before eleven o'clock P.M., item 7006-0067 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

The President in the Chair, item 0339-1001 (Commissioner of Probation) was considered, as follows:
"0339-1001 For the office of the commissioner of probation; provided, that said commissioner of probation, subject to the approval of the chief justice for administration and management, shall appoint any associate probation officer or probation officer-in charge; provided further, that two additional head administrative assistants, 16 additional probation officers in charge, 13 additional associate probation officers, one additional regional supervisor, one additional chief probation officer, and one additional deputy commissioner shall be funded from this item in fiscal year 2001; provided further, that not more than $100,000 shall be expended for electronic monitoring equipment; provided further that not more than $504,092 shall be expended from this item for 2 program managers, 2 court service coordinators and 10 assistant court service coordinators for the operation of a statewide probation electronic monitoring program; and provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the 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 0339-1004 of this act 12,682,160".

[The Governor reduced the item to $10,877,806 and disapproved of the following wording:— ", that said commissioner of probation, subject to the approval of the chief justice for administration and management, shall appoint any associate probation officer or probation officer-in-charge; provided further, that two additional head administrative assistants, 16 additional probation officers in charge, 13 additional associate probation officers, one additional regional supervisor, one additional chief probation officer, and one additional deputy commissioner shall be funded from this item in fiscal year 2001; provided further"; and "; provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the 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 0339-1004 of this act.".

After debate, the question on passing item 0339-1001 (contained in section 2) notwithstanding the reduction of His Excellency theGovernor to the contrary, was determined by a call of the yeas and nays, at two minutes past eleven o'clock P.M., as follows, to wit (yeas 34 — nays 5):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.

Magnani, David P.
Melconian, Linda J.
Walsh, Marian
Wilkerson, Dianne — 34.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E. — 5.

**The yeas and nays having been completed at five minutes past eleven o'clock P.M., item 0399-1001 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7030-1002 (Kindergarten expansion grants) was considered, as follows:
"7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day kindergarten classrooms; provided, that the office for school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than $18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that said guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than $18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than December 15, 2000, said department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2002; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2001 for the purposes of transition projects scheduled for the school year beginning in September, 2001; and provided further, that the department may expend not more than $200,000 to administer the grants program established herein 28,000,000 Local Aid Fund 100.0%".

[The Governor reduced the item to $22,910,000.]
After debate, the question on passing item 7030-1002 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twelve minutes past eleven o'clock P.M., as follows, to wit (yeas 35 — nays 4):

**YEAS.**

a
Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese

Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 35.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E. — 4.

**The yeas and nays having been completed at fourteen minutes past eleven o'clock P.M., item 7030-1002 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 225 (Durable medical equipment discounts) was considered, as follows:
"SECTION 225. Said chapter 118E is hereby amended by inserting after section 41, as so appearing, the following section:— Section 41A. Notwithstanding section 41 or any other general or special law to the contrary, the division shall be entitled to retain any secondary discount offered by manufacturers or suppliers of durable medical equipment; provided, the division complies with the terms of payment set by the manufacturer or supplier. A provider of durable medical equipment shall be entitled to retain a secondary discount offered by manufacturers or suppliers of durable medical equipment if the division does not comply with the terms of payment set by the manufacturer or supplier of said equipment.
This section shall apply to all claims submitted to the division by any provider of durable medical equipment on or after July 1, 2000."

[The Governor disapproved the section.]
The question on passing Section 225 notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seventeen minutes past eleven o'clock P.M., as follows, to wit (yeas 32 — nays 7):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.

Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

**NAYS.**

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 7.

**The yeas and nays having been completed at nineteen minutes past eleven o'clock P.M., Section 225 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

The House Bill relative to compliance with life safety codes, remediation of environmental hazards and the preservation and management of the Commonwealth's real property assets (House, No. 5289, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2264, *with a further amendment,* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5423.

**The rules were suspended, on motion of Ms. Melconian, and the further House amendment was considered forthwith and adopted, in concurrence.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider item 7030-1003 (contained in section 2) and section 139, which had been reduced or disapproved, in accordance with the provisions of the Constitution.
Item 7030-1003 (Early literacy grants) was considered as follows:
"7030-1003 For the John Silber early literacy program to promote school-wide literacy education and to promote literacy among children entering primary education in the commonwealth; provided, that the office for school readiness shall administer said early literacy grant program to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible, which shall include reading teacher grants and school-wide literacy education grants; provided further, that amounts awarded as reading teacher grants shall fund the salaries of not more than one reading teacher for every 90 students enrolled in the first grade; provided further, that reading teacher grants shall be awarded contingent upon a commitment by prospective recipients to implement, within two years of the date on which such grant was first awarded, a school-wide early

literacy education program for kindergarten through grade five as described herein; provided further, that said school-wide literacy education grants shall fund grant awards to support school-wide early literacy education programs for grades K through 5. Provided further, that such school-wide literacy education programs shall provide for the evaluation and tracking of all students' reading and writing skills annually for at least three years, shall include measurable goals and benchmarks, shall include a home book program or other program for parental involvement in reading and writing instruction, shall be led by a school based planning team which includes teaching faculty and the school principal, and shall include a school-wide literacy coordinator who shall be a full-time teacher responsible for the coordination and training of other school staff; provided further, that such school-wide early literacy grants may include funding for up to one-half of the salary of the literacy coordinator and shall be targeted for elementary schools with low cumulative grade four MCAS scores, so-called; provided further, that the department shall establish guidelines for said grant programs, which shall include provisions to prorate grants to schools for reading teachers hired or compensated for less than the full 2000-to-2001 school year; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that not less than $10,000,000 shall be expended for pilot school wide literacy education programs modeled after existing literacy education programs identified by the office of school readiness, including but not limited to, a literacy education program operated in the state of Alabama, known as the Alabama Reading Initiative, so-called; provided further, that such pilot school-wide literacy education programs shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall otherwise be consistent with the overall purpose of this item; provided further, that in its evaluation of applications for such pilot programs, said office may take into consideration schools cumulative grade 4 MCAS scores; provided further, that not more than $500,000 shall be made available for matching grants to fund the Reach Out and Read program, so-called, to provide books to at-risk children in the commonwealth through book distribution programs established in community health centers, medical practices and hospitals for at-risk children; provided further, that the funds distributed through the reach out and read program shall be contingent upon a match of not less than one dollar in private or corporate contributions for every dollar in state funding distributed through said grant program; and provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; provided, that $385,000 shall be expended for JFY.net, so-called, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in school's and community agencies 20,125,000 Local Aid Fund 100.0%".

[The Governor reduced the item to $10,125,000.]
After debate, the question on passing item 7030-1003 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-four minutes past eleven o'clock P.M., as follows, to wit (yeas 37 — nays 2):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Moore, Richard T. |
| Bernstein, Robert A. | Morrissey, Michael W. |
| Berry, Frederick E. | Murray, Therese |
| Brewer, Stephen M. | Nuciforo, Andrea F., Jr. |
| Clancy, Edward J., Jr. | Pacheco, Marc R. |
| Creedon, Robert S., Jr. | Panagiotakos, Steven C. |
| Creem, Cynthia Stone | Knapik, Michael R. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Jajuga, James P. | Tisei, Richard R. |
| Joyce, Brian A. | Tolman, Steven A. |
| Lynch, Stephen F. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |

Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Walsh, Marian
Wilkerson, Dianne — 37.

**NAYS.**

Lees, Brian P.
Rauschenbach, Henri S. — 2.

**Mr. Travaglini in the Chair, the yeas and nays having been completed at twenty-six minutes past eleven o'clock P.M., item 7030-1003 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 139 (Foundation Budget Review Commission) was considered, as follows:
"SECTION 139. Chapter 70 of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:—
Section 4. There is hereby established a foundation budget review commission to review the way in which foundation budgets are calculated and to make recommendations to the general court regarding such changes in the formula as may be appropriate. In conducting such review, the commission shall seek to determine the educational programs and services needed to prepare students to achieve passing scores on the Massachusetts Comprehensive Assessment System. The commission shall examine the assumed percentage for special education costs included in such formula and shall make recommendations regarding changes in such percentage or other mechanisms to finance special education costs including, but not limited to, reimbursement programs or phased-in, standards-based funding programs that increase the state contribution to such costs over a fixed period of years. The commission shall include the house and senate chairs of the joint committee on education, arts and humanities, who shall serve as co-chairs, the commissioner of education, the chair of the education reform review commission, the speaker of the house of representatives or his designee, the president of the senate or his designee, the minority leader of the house of representatives or his designee, the minority leader of the senate or his designee, the governor or his designee, the chair of the house committee on ways and means or his designee, the chair of the senate committee on ways and means or his designee and one member to be appointed by each of the following organizations: the Massachusetts Municipal Association, the Massachusetts Business Alliance for Education, the Massachusetts Association of School Committees, the Massachusetts Superintendents Association, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the League of Women Voters of Massachusetts, the Massachusetts Association for Vocational Administrators and the Massachusetts Association of Regional Schools. Members shall receive no compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The department shall furnish reasonable staff and other support for the work of the commission.
The commission shall conduct not fewer than four hearings to receive testimony from members of the public. The hearings shall be held in locations that provide opportunities for residents from all geographic regions of the commonwealth to testify.
It shall not constitute a violation of chapter 268A for a person employed by a school district to serve on the commission or to participate in commission deliberations that may have a financial impact on the district employing such person or on the rate at which such person may be compensated. The commission may establish procedures to ensure that no such person participates in commission deliberations that may directly affect the school districts employing such persons or that may directly affect the rate at which such persons are compensated.
The commission's recommendations, together with any proposed legislation, shall be filed not later than September 30 of each even-numbered year with the clerks of the senate and house of representatives who shall refer such recommendations to the appropriate committee of the general court. Within 30 days after such filing, the committee shall hold a public hearing on the recommendations."

[The Governor disapproved the section.]
After debate, the question on passing Section 139, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at half past eleven o'clock P.M., as follows, to wit (yeas 34 — nays 4):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.

| | |
|---|---|
| Clancy, Edward J., Jr. | Murray, Therese |
| Creedon, Robert S., Jr. | Nuciforo, Andrea F., Jr. |
| Creem, Cynthia Stone | Pacheco, Marc R. |
| Fargo, Susan C. | Panagiotakos, Steven C. |
| Glodis, Guy W. | Resor, Pamela |
| Havern, Robert A. | Rosenberg, Stanley C. |
| Hedlund, Robert L. | Shannon, Charles E. |
| Jacques, Cheryl A. | Tisei, Richard R. |
| Jajuga, James P. | Tolman, Steven A. |
| Joyce, Brian A. | Travaglini, Robert E. |
| Lynch, Stephen F. | Tucker, Susan C. |
| Magnani, David P. | Walsh, Marian |
| Melconian, Linda J. | Wilkerson, Dianne — 34. |

**NAYS.**

| | |
|---|---|
| Knapik, Michael R. | Sprague, Jo Ann |
| Lees, Brian P. | Tarr, Bruce E. — 4. |

**ANSWERED "PRESENT".**

Rauschenbach, Henri S. — 1.

**The President in the Chair, the yeas and nays having been completed at twenty-eight minutes before twelve o'clock midnight, Section 139 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

The House Bill relative to certain capital spending authorizations (House, No. 5325, amended),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2273; and inserting before the enacting clause the following emergency preamble:
"*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to forthwith continue certain capital spending authorizations from the fiscal year ending June 30, 2000, each of which is necessary or appropriate to effectuate said authorizations 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.", *with a further amendment,* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5428.

**The rules were suspended, on motion of Ms. Melconian, and the further House amendment was considered forthwith and adopted, in concurrence.**

### *Engrossed Bill — Land Taking for conservation, Etc.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain easement to the town of Montague (see House, No. 5048, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, — was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before twelve o'clock midnight, as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

The yeas and nays having been completed at twenty-five minutes before twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President, and laid before the Governor on Tuesday, August 1, for his approbation.

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider terms 2440-0010 and 8100-0301 (contained in section 2), which had been reduced, in accordance with the provisions of the Constitution.

Item 2440-0010 (MDC Parks Division) was considered, as follows:
"2440-0010 For the administration, operation and maintenance of the metropolitan district commission parks and recreation division, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody, and control of the commission, for the flood control activities of said commission, and for the purchase of all necessary supplies and related equipment; provided, that no funding shall be made available from this item for true seasonal employees, so-called; provided further, that $40,000 shall be expended for the maintenance of the Red Rock park on Lynn Shore drive in the city of Lynn; 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, and that the metropolitan district commission shall replace and

rededicate the plaque honoring Governor Maurice Tobin; provided further, that the commission shall assign one park ranger between the hours of 8:30 a.m. and 6:00 p.m. from May 31 through October 1 at Norumbega park in the town of Weston; provided further, that the commission shall expend $150,000 for maintenance of the southwest corridor park in the city of Boston and shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of two horticulturists and a supervisor; provided further, that $20,000 shall be appropriated to the Harry J. McDonough sailing program; provided further, that $1,300,000 shall be expended for repairs to Steriti rink; provided further, that the sum of $300,000 shall be expended to reimburse the city of Malden for the commission's use of water as charged to the city by the Massachusetts Water Resources Authority; provided further, that not less than $150,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles river lakes district, including treatment and monitoring; provided further, that not less than $50,000 shall be made available for repairs and maintenance to the Hull clock tower; provided further, that $20,000 shall be appropriated for the installation and maintenance of a memorial in honor of former Senate President John E. Powers at the Pleasure Bay lagoon in South Boston; provided further, that not less than $50,000 shall be expended from this item for the design and repair of the historic one-room schoolhouse at Moore state park in the town of Paxton; provided further, that not less than $5,000 shall be made available for repairs to Ulin's rink, including but not limited to the sound system; provided further, that not less than $140,000 shall be made available for bringing the Metropolis skating rink in Canton up to the standards set by the Americans with Disabilities Act; provided further, that not less than $250,000 shall be expended on improvements and the general rehabilitation of Bryan rink; provided further, that $50,000 shall be made available for a perimeter fence for the Chickatawbut Museum; provided further, that $40,000 shall be expended to conduct a historic structures and programming report for the Brook Farm Print Shop at the Brook Farm historic site, and that said report shall be submitted not later than November 20, 2000; provided further, that $70,600 shall be expended for two rangers for the patrolling of parks including, but not limited to the StonyBrook reservation/ Bellevue Hill reservation; provided further, that $300,000 shall be expended for the costs associated with certain sewer upgrades and improvements as it related to Constitution Beach rehabilitation project; provided further, that the commission is hereby authorized to enter into a memorandum of agreement with the Boston Water and Sewer Commission and to transfer said sum to fund this agreement; provided further, that $60,000 shall be provided to establish a program to breed the natural predators of the insect known as the Hemlock Woolly Adelgid and for the testing of such program in the Hemlock Gorge Reservation and other appropriate sites; provided further, that $300,000 shall be expended for repairs and improvements to the Veteran's memorial rink in Arlington; provided further, that $150,000 shall be expended on a study and design of a retention basin at Blue Hills; provided further, that not less than $50,000 shall be expended for improvements to Bellevue reservation in the West Roxbury section of the city of Boston including, but not limited to, ranger patrols of said reservation, lighting and irrigation; provided further, that $1,500,000 shall be used toward the reconstruction and design of Peabody Circle; provided further, that $100,000 shall be expended to conduct a feasibility and design study which provides a full cost analysis for the rehabilitation of the Vietnam Veterans Memorial swimming pool; provided further, that $100,000 shall be expended to prevent run-off from Blue Hills Reservation at Pine Tree Brook in Milton; provided further, that $50,000 shall be expended for improvements to the Revere Beach parkway in the city of Everett; provided further, that $400,000 shall be expended for the study and design of the Mystic Valley parkway phase II, so-called; provided further, that residual funds shall be utilized toward rehabilitation and construction; provided further, that said commission, in coordination with the department of highways, shall commence work on a study and design of the pedestrian underpass under the Mystic Wellington bridge, so-called, on state highway route 28 in the city of Somerville not later than September 1, 2000 and shall complete said study not later than March 31, 2001; provided further, that said study shall be funded in accordance with the terms specified in item 6010-0002 of section 2; provided further, that said commission shall report to the house and senate committees on ways and means not later than April 15, 2001 on the findings of said study; provided further, that said report shall include, but not be limited to, a budget for the cost of production, a finance plan that identifies funding sources for the project, a timeline for implementation, and a plan for interagency coordination that establishes lead agencies for managing construction and a lead agency for managing the long term maintenance of said underpass; provided further, that $75,000 shall be expended to begin a master plan for the Alewife reservation area; provided further, that $250,000 shall be expended for a conceptual master plan with phase one implementation for the Mystic river lower basin from state highway route 16 to state highway route 99; provided further, that $130,000 shall be expended for clean-up and restoration of Donovan's beach in the town of Winthrop; provided further, that not more than $32,000 shall be expended to acquire a MADVAC, so-called, to maintain the commissions property along Shore drive in Quincy; provided further, that one additional Park Ranger I position and one additional laborer I position shall be assigned to the Spot pond reservation in the town of Stoneham; and provided further, that $100,000 shall be expended for renovations to the Brighton/Allston pool, including the bath house 31,851,794
Highway Fund 60.0%".
Local Aid Fund 40.0%".

[The Governor reduced the item to $28,171,194 and disapproved of the following wording:— "; provided further, that $20,000 shall be appropriated to the Harry J. McDonough sailing program"; and "; provided further, that $20,000 shall be appropriated for the installation and maintenance of a memorial in honor of former Senate President John E. Powers at the Pleasure Bay lagoon in South Boston; provided further, that not less than $50,000 shall be expended from this item for the design and repair of the historic one-room schoolhouse at Moore state park in the town of Paxton; provided further, that not less than $5,000 shall be made available for repairs to Ulin's rink, including but not limited to the sound system; provided further, that not less than $140,000 shall be made available for bringing the Metropolis skating rink in Canton up to the standards set by the Americans with Disabilities Act; provided further, that not less than $250,000 shall be expended on improvements and the general

rehabilitation of Bryan rink; provided further, that $50,000 shall be made available for a perimeter fence for the Chickatawbut Museum; provided further, that $40,000 shall be expended to conduct a historic structures and programming report for the Brook Farm Print Shop at the Brook Farm historic site, and that said report shall be submitted not later than November 20, 2000; provided further, that $70,600 shall be expended for two rangers for the patrolling of parks including. but not limited to the StonyBrook reservation/Bellevue Hill reservation"; and "; provided further, that $60,000 shall be provided to establish a program to breed the natural predators of the insect known as the Hemlock Woolly Adelgid and for the testing of such program in the Hemlock Gorge Reservation and other appropriate sites; provided further, that $300,000 shall be expended for repairs and improvements to the Veteran's memorial rink in Arlington; provided further, that $150,000 shall be expended on a study and design of a retention basin at Blue Hills; provided further, that not less than $50,000 shall be expended for improvements to Bellevue reservation in the West Roxbury section of the city of Boston including, but not limited to, ranger patrols of said reservation, lighting and irrigation; provided further, that S1,500,000 shall be used toward the reconstruction and design of Peabody Circle"; and "; provided further, that $100,000 shall be expended to prevent run-off from Blue Hills Reservation at Pine Tree Brook in Milton; provided further, that $50,000 shall be expended for improvements to the Revere Beach parkway in the city of Everett; provided further, that $400,000 shall be expended for the study and design of the Mystic Valley parkway phase II, so-called; provided further, that residual funds shall be utilized toward rehabilitation and construction"; and "; provided further, that $75,000 shall be expended to begin a master plan for the Alewife reservation area; provided further, that $250,000 shall be expended for a conceptual master plan with phase one implementation for the Mystic river lower basin from state highway route 16 to state highway route 99"; and and "; provided further, that $100,000 shall be expended for renovations to the Brighton/Allston pool, including the bath house."

After debate, the question on passing item 2440-0010 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at twenty-three minutes before twelve o'clock midnight, as follows, to wit (yeas 32 — nays 7):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

**NAYS.**

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 7.

**The yeas and nays having been completed at twenty-one minutes before twelve o'clock midnight, item 2440-0010 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 8100-0301 (Patrols payroll costs) was considered, as follows:
"8100-0301 For the payroll costs of the state police directed patrols; provided that $365,000 shall be expended on a pilot program for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells and Mystic River Reservation district; provided further, that $12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that $45,360 shall be expended for the costs associated with providing state police patrols three nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2000 for a period of 18 weeks, as deemed necessary; provided further, that $30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation; provided further, that $75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesagate area of the city of Boston; provided further, that $40,000 shall be expended for patrols along Revere beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15, inclusive; provided further, that $49,860 shall be expended for the costs of state police patrols at Lynn Shore Drive, Lynn beach, Kings beach, Nahant causeway, and Nahant beach; provided further, that $116,500 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that $35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore Drive section of Quincy; provided further, that $355,500 shall be expended for the purposes of increased patrols during the months of April to October, inclusive, at Winthrop beach and Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitution beach and Belle Islands marsh in the East Boston section of the city of Boston; provided further, that not less than $282,310 shall be expended to provide motorcycle patrols along the southwest corridor, so-called; provided further, that $100,000 shall be expended for the plain clothes foot patrol and bike patrol of the Upper Reservation Basin area along the Charles River; provided further, that $45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton, Randolph; provided further that $5,000 shall be expended to patrol the state-owned portion of Willard Street adjacent to the Shea Rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than $50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O'Malley Park in the city of Chelsea; provided further, that not less than $130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further, that not less than $232,704 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull; provided further, that not less than $15,000 shall be expended for the costs of increased patrols from November 1 to December 31 between the hours of 3:30 p.m. and 7:30 p.m. from. the state route 24 south ramp to state route 140 in the city of Taunton; provided further, that $46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be assigned between the hours of 8 p.m. and 4 a.m. nightly until November 1, 2000; provided further, that $40,000 shall be expended for patrols along state highway route 2 between the city of Fitchburg and the town of Greenfield; provided further, that $15,500 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that $18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their districts; provided further, that notwithstanding the provisions of any general or special laws to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; and provided further, that $20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so-called, of Yarmouth 2,125,600
Local Aid Fund 100.0% ".

[The Governor disapproved the item.]
After debate, the question on passing item 8100-0301 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at nineteen minutes before twelve o'clock midnight, as follows, to wit (yeas 35 — nays 4):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Montigny, Mark C. |
| Bernstein, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |

Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 35.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E. — 4.

**The yeas and nays having been completed at seventeen minutes before twelve o'clock midnight, item 8100-0301 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

***Engrossed Bill — Land Taking for Conservation, Etc.***

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Leicester (see House, No. 4569) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seventeen minutes before twelve o'clock midnight, as follows, to wit (yeas 39 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.

Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

**NAYS — 0.**

**The yeas and nays having been completed at a quarter before twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.**

***Emergency Preamble Adopted.***

An engrossed Bill relative to the finances of the Massachusetts Bay Transportation Authority (see House, No. 5367, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 10 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider several items (contained in section 2) and section 39 which had been reduced or disapproved, in accordance with the provisions of the Constitution.

Item 7061-0020 (Special education pooled risk) was considered, as follows:
"7061-0020 For the special education pooled risk program established pursuant to section 5B of chapter 71B of the General Laws, as amended by section 172 of this act 5,600,000
Local Aid Fund 100.0%".

[The Governor reduced the item to $1,300,000].
The question on passing item 7061-0020 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at fourteen minutes before twelve o'clock midnight, as follows, to wit (yeas 37 — nays 2):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

**NAYS.**

Knapik, Michael R.
Lees, Brian P. — 2.

**The yeas and nays having been completed at twelve minutes before twelve o'clock midnight, item 7061-0020 (contained in section ) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7066-0015 (Community college workforce training) was considered, as follows:
"7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws 2,100,000".

[The Governor disapproved the item.]
After remarks, the question on passing item 7066-0015 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determine by a call of the yeas and nays, at eleven minutes before twelve o'clock midnight, as follows, to wit (yeas 35 — nays 4):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.

Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 35.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**The yeas and nays having been completed at nine minutes before twelve o'clock midnight, item 7066-0015 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 39 (Community College workforce training incentive program) was considered, as follows:
"SECTION 39. Said chapter 15A is hereby further amended by inserting after section 15E the following section:—
Section 15F. It is hereby declared to be the policy of the commonwealth to encourage public community college training opportunities in order to promote workforce development, minimize the shortage of skilled workers and raise economic opportunity through a matching incentive grant program to be known as the community college workforce training incentive program. Subject to appropriation, the board of higher education shall establish guidelines for the distribution of community college workforce training incentive grants; provided, however, that said guidelines shall provide: (i) allowable incentive grant awards which shall not exceed $200 for every $1,000 in eligible revenues; and (ii) minimum requirements for the level of not-for-credit vocationally-oriented instruction which shall be provided by incentive grant recipients in the fiscal year in which such grant is awarded. For the purposes of this section, eligible revenues shall be defined as revenues received by a community college for one of the following purposes: tuition and fees paid by students enrolled in not-for-credit vocationally-oriented courses; tuition and fees paid by Massachusetts employers on behalf of employees enrolled in not-for-credit vocationally-oriented courses; and revenues from service contracts with Massachusetts employers to provide not-for-credit vocationally-oriented training. Revenues from contracts with public agencies, public grants or private gifts shall not be considered eligible revenues for the purposes of this section. Incentive grants shall be expended for the following purposes: to expand not-for-credit vocationally-oriented course offerings; to expand not-for-credit vocationally-oriented instruction provided through contracts with Massachusetts employers; and to otherwise promote not-for-credit vocationally-oriented instruction. The total aggregate amount of incentive grants awarded by the board shall not exceed $2,500,000 in any fiscal year. Each community college campus shall report not later than December 31, annually, to the board of higher education and the house and senate committees on ways and means on the level of not-for-credit vocationally-oriented instruction provided in the preceding fiscal year and the anticipated level of such instruction in the current fiscal year. Said report shall detail enrollment levels, revenues received, sources of revenues, the number of service contracts established with Massachusetts employers and such other information as the board of higher education may require."

[The Governor disapproved the section.]
After debate, the question on passing Section 39, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eight minutes before twelve o'clock midnight, as follows, to wit (yeas 34 — nays 5):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 34.

**NAYS.**

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 5.

**The yeas and nays having been completed at six minutes before twelve o'clock midnight, Section 39 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

The House Bill relative to needlestick injury prevention (House, No. 5394),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment in section 2, by inserting after the words:— "Massachusetts Nurses Association," in line 42, the following words:— "the Service Employees International Union State Council,".
**On motion of Ms. Melconian, the Senate receded from its amendment.**

***Emergency Preamble Adopted.***

An engrossed Bill relative to compliance with life safety codes, remediation of environmental hazards and the preservation and management of the Commonwealth's real property assets (see House, No. 5289, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 10 to 0.**
**The bill was signed by the President and sent to the House for enactment.**

***Message from His Excellency the Governor —***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the

maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday, July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider items 7002-0100, 7007-0515 and 0330-4111 (contained in section 2) which had been reduced or disapproved, in accordance with the provisions of the Constitution.

Item 7002-0100 (Labor and workforce development) was considered, as follows:
"7002-0100 For the administration of the department of labor and workforce development, including the divisions under the control of the department; provided, that $645,919 shall be expended from this item for the GG subsidiary costs, so-called, of the board of conciliation and arbitration, the division of apprentice training, the labor relations commission, and the division of occupational safety; provided further, that funds shall be expended from this item for the deputy director of workforce development; provided further, that on January 4, 2001 and April 1, 2001, said deputy director shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including labor exchange, skills training and remedial education services related thereto which have been provided during the course of the fiscal year in the commonwealth, describing the systems for delivery of such services, describing the costs of such services and the sources of revenue for such services; provided further, that not less than $200,000 shall be expended for the donahue institute to study work, families, and communities in Massachusetts; and provided further, that not less that $135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO. 1,473,742".

[The Governor reduced the item to $1,138,742 and disapproved of the following wording:— "; provided further, that not less than $200,000 shall be expended for the donahue institute to study work, families, and communities in Massachusetts; and provided further, that not less that $135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO".

The question on passing item 7002-0100 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at four minutes before twelve o'clock midnight, as follows, to wit (yeas 34 —nays 5):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 34.

**NAYS.**

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E. — 5.

**The yeas and nays having been completed at three minutes before twelve o'clock midnight, item 7002-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7007-0515 (Regional development projects) was considered, as follows:
"7007-0515 For grants to be allocated by the department in support of regional redevelopment projects in the commonwealth; provided, that $175,000 shall be expended for a grant to the devens enterprise commission established pursuant to chapter 498 of the acts of 1993; provided further, that said commission shall take all steps necessary to be self-sufficient by July 1, 2002; and provided further, that not less than $300,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998 475,000".

[The Governor reduced the item to $425,000 and disapproved of the following wording:— "; provided, that $175,000 shall be expended for a grant to the devens enterprise commission established pursuant to chapter 498 of the acts of 1993".
The Governor recommended the following wording:— "; provided, that $125,000 shall be expended for a grant to the devens enterprise commission established pursuant to chapter 498 of the acts of 1993".

The question on passing item 7067-0515 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at one minute before twelve o'clock midnight, as follows, to wit (yeas 33 — nays 6):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Walsh, Marian
Wilkerson, Dianne — 33.

**NAYS.**

Knapik, Michael R.
Sprague, Jo Ann

Lees, Brian P.
Rauschenbach, Henri S.
Tarr, Bruce E.
Tisei, Richard R. — 6.

**The yeas and nays having been completed at twelve o'clock midnight, item 7007-0515 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0330-4111 (Trial Court probation reserve) was considered, as follows:
"0330-4111 For a trial court probation reserve; provided that funds from this item shall be expended as determined by the chief justice for administration and management for the AA subsidiary payroll costs, so-called, of new probation officers; provided further, that funds shall be expended solely for the explicit purpose of reducing the number of probation officers needed in those courts demonstrating the most immediate need for additional probation officers, as determined by the workload formula of the commissioner of probation, according to the final quarterly report of fiscal year 2000; and provided further, that said commissioner shall provide said workload report, for each previous quarter, to the house and senate committees on ways and means on the first day of each quarter 500,000".

[The Governor disapproved the item.]
The question on passing item 0330-4111 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at one minute past twelve o'clock midnight, as follows, to wit (yeas 32 —nays 3):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

**NAYS.**

Hedlund, Robert L.
Rauschenbach, Henri S.
Sprague, Jo Ann — 3.

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**The yeas and nays having been completed at three minutes past twelve o'clock midnight, item 0330-4111 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

### *Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain property in the city of Fitchburg (see House, No. 5009, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past twelve o'clock P.M., as follows, to wit (yeas 34 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 34.

**NAYS — 0.**

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**ABSENT OR NOT VOTING.**

Brewer, Stephen M. — 1.

**The yeas and nays having been completed at four minutes past twelve o'clock midnight the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President, and laid before the Governor on Tuesday, August 1, for his approbation.**

***Engrossed Bill — State Loan.***

An engrossed Bill relative to the finances of the Massachusetts Bay Transportation Authority (see House, No. 5367, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes past twelve o'clock midnight, as follows, to wit (yeas 35 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne
Stephen M. Brewer — 35.

**NAYS — 0.**

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**The yeas and nays having been completed at seven minutes past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by Ms. Melconian, the Acting President, and laid before the Governor on Tuesday, August 1, for his approbation.**

***Engrossed Bill — Land Taking for***

**Conservation, Etc.— State Loan.**

An engrossed Bill relative to compliance with life safety codes, remediation of environmental hazards and the preservation and management of the Commonwealth's real property assets (see House, No. 5289, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land and other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution; and, this being a bill that provided for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seven minutes past twelve o'clock midhight, as follows, to wit (yead 35 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne
Stephen M. Brewer — 35.

**NAYS — 0.**

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**The yeas and nays having been completed at nine minutes past twelve o'clock midnight, the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor on Tuesday, August 1, for his approbation.**

***Message from His Excellency the Governor.***

**Disapprovals and Reductions in General Appropriations Bill.**

A message from His Excellency the Governor returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5300) which on Tuesday,

July 18, 2000, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of His Excellency the Governor.

The message (House, No. 5400) was read; and the Senate proceeded to reconsider several items (contained in section 2) and section 413 which had been reduced or disapproved, in accordance with the provisions of the Constitution.

Item 7053-1940 (Payment to certain schools) was considered, as follows:
"7053-1940 For a payment of $535,000 to the city of Northampton for costs incurred relative to the Clarke School, so-called; provided, that not less than $350,000 shall be allocated for a payment to the town of Framingham for the educational costs associated with the Learning Center, so-called 885,000
Local Aid Fund 100.0%".

[The Governor reduced the item to $535,000 and disapproved of the following wording:— "; provided, that not less than $350,000 shall be allocated for payment to the town of Framingham for the educational costs associated with the Learning Center, so-called."

The question on passing item 7053-1940 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at nine minutes past twelve o'clock midnight, as follows, to wit (yeas 32 — nays 2):

**YEAS.**

| | |
|---|---|
| Antonioni, Robert A. | Jacques, Cheryl A. |
| Bernstein, Robert A. | Jajuga, James P. |
| Berry, Frederick E. | Joyce, Brian A. |
| Brewer, Stephen M. | Lynch, Stephen F. |
| Clancy, Edward J., Jr. | Magnani, David P. |
| Creedon, Robert S., Jr. | Melconian, Linda J. |
| Creem, Cynthia Stone | Menard, Joan M. |
| Fargo, Susan C. | Montigny, Mark C. |
| Glodis, Guy W. | Moore, Richard T. |
| Havern, Robert A. | Morrissey, Michael W. |
| Hedlund, Robert L. | Murray, Therese |
| Nuciforo, Andrea F., Jr. | Shannon, Charles E. |
| Pacheco, Marc R. | Travaglini, Robert E. |
| Panagiotakos, Steven C. | Tucker, Susan C. |
| Resor, Pamela | Walsh, Marian |
| Rosenberg, Stanley C. | Wilkerson, Dianne — 32. |

**NAYS.**

| | |
|---|---|
| Rauschenbach, Henri S. | Sprague, Jo Ann — 2. |

**ANSWERED "PRESENT".**

| | |
|---|---|
| Knapik, Michael R. | Tarr, Bruce E. |
| Lees, Brian P. | Tisei, Richard R. — 4. |

**ABSENT OR NOT VOTING.**

Tolman, Steven A. — 1.

**The yeas and nays having been completed at ten minutes past twelve o'clock midnight, item 7053-1940 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly**

Item 7007-0525 (Devens progress review) was considered, as follows:
"7007-0525 For a grant to the communities of Ayer, Harvard, Lancaster and Shirley in order to conduct a progress review of the status of the redevelopment effort at Fort Devens . 75,000".

[The Governor disapproved the item.]
The question on passing item 7007-0525 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at eleven minutes past twelve o'clock midnight, as follows, to wit (yeas 33 — nays 1):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 33.

**NAYS.**

Rauschenbach, Henri S. — 1.

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**ABSENT OR NOT VOTING.**

Creem, Cynthia Stone — 1.

**The yeas and nays having been completed twelve minutes past twelve o'clock midnight, item 7007-0525 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7030-1005 (Targeted tutorial literacy for first grade) was considered, as follows:
"7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided, that such programs shall be research-based with proven long term results, including identifying students in need of additional help no later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results 3,000,000
Local Aid Fund 100.0%".

[The Governor disapproved the item.]
The question on passing item 7030-1005 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at thirteen minutes past twelve o'clock midnight, as follows, to wit (yeas 35 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne
Stephen M. Brewer — 35.

**NAYS — 0.**

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**The yeas and nays having been completed at fourteen minutes past twelve o'clock midnight, item 7030-1005 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the**

**members present and voting having approved the same.**
**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7003-0700 (Corporation for business, work and learning) was considered, as follows:
"7003-0700 For grants administered by the corporation for business, work and learning to secure employment, training and counseling for workers; provided, that not more than $125,000 shall be made available to teamsters local 25 for workforce development initiatives; provided further, that not more than $216,000 shall be expended for three full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than $155,000 shall be expended for E-Team Machinist Training Program in the city of Lynn; provided further, that not more than $200,000 shall be expended for the central Massachusetts and the pioneer valley entrepreneurial business start-up training programs; provided further, that not more than $100,000 shall be expended for said corporation to assist the commonwealth's industries and community colleges to evaluate and design skills based curricula; provided further, that said corporation shall report on said program and curricula assistance to the house and senate committees on ways and means not later than February 15, 2001; provided further, that not more than $50,000 shall be expended for a pilot program to design and implement strategies to strengthen the performance measures and outcomes of the federal Workforce Investment Act of 1998, public law 105-220; provided further, that not less than $127,000 shall be expended for the employee involvement and ownership program, so-called; provided further, that not less than $30,000 shall be expended for a contract with child and family services of Cape Cod, so-called, for a pilot program to provide comprehensive education, training and supportive services for parents and their children; and provided further, that not less that $150,000 shall be expended for the southeastern Massachusetts manufacturing partnership entrepreneurial start-up program, so-called 1,153,000".

[The Governor reduced the item to $903,000].
The question on passing item 7003-0700 (contained in section 2) notwithstanding the reduction of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at a quarter past twelve o'clock midnight, as follows, to wit (yeas 35 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne
Stephen M. Brewer — 35.

**NAYS — 0.**

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

**The yeas and nays having been completed at sixteen minutes past twelve o'clock midnight, item 7003-0700 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Section 413 (Federal low-income home energy assistance program) was considered, as follows:
"SECTION 413. The department of housing and community development shall administer the federal low-income home energy assistance program in accordance with regulations promulgated under the federal Low-Income Home Energy Assistance Act of 1981, or any amendments or successor acts thereto. The fuel assistance shall be made available to elders and families whose income is not more than 200 per cent of the federal poverty level. The commonwealth shall not be obligated to provide any additional funds for such increase in household eligibility for the federal low-income home energy assistance program pursuant to this section. Resources from the program shall be administered by community action agencies and other appropriate community-based organizations, as determined by the department."

[The Governor disapproved the section.]
The question on passing Section 413, notwithstanding the disapproval of His Excellency the Governor to the contrary, was determined by a call of the yeas and nays, at seventeen minutes past twelve o'clock midnight, as follows, to wit (yeas 34 — nays 0):

**YEAS.**

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 34.

**NAYS — 0.**

**ANSWERED "PRESENT".**

Knapik, Michael R.
Lees, Brian P.
Tarr, Bruce E.
Tisei, Richard R. — 4.

## ABSENT OR NOT VOTING.

Lynch, Stephen F. — 1.

**The yeas and nays having been completed at eighteen minutes past twelve o'clock midnight, Section 413 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.**

**The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

At eighteen minutes past twelve o'clock midnight, Mr. Lees arose and informed the President that the Senate was in a formal session beyond the hour of twelve o'clock midnight, and that to comply with the rules of the two branches the Senate was required to adjourn. The President stated that the Senator's point was well taken. Accordingly, at nineteen minutes past twelve o'clock midnight, on motion of Mr. Lees, the Senate adjourned to meet on Thursday next at eleven o'clock A.M.