

**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.



### JOURNAL OF THE SENATE.

Thursday, July 25, 2002.

Met at twenty-nine minutes before two o'clock P.M.

#### *Petition.*

Mr. Creedon presented a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr., Timothy J. Cruz, Plymouth County District Attorney, Marc R. Pacheco and David L. Flynn for legislation relative to the commitment of sexually dangerous persons,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of Committees.*

By Ms. Chandler, for the committee on Public Service, on petition, a Bill authorizing the city of Revere to pay the funeral and burial expenses of city of Revere police patrolman James Hitaffer (Senate, No. 2369) [Local approval received];  
**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Ms. Resor, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to regional retirement systems (House, No. 4438).

#### PAPER FROM THE HOUSE.

A Bill regulating telemarketing solicitation (House, No. 5225, amended, — on House, No. 234);  
**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

#### *Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill authorizing the town of Saugus to convey certain parcels of land (Senate, No. 2411),— **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.**

#### *Engrossed Bill Returned by Acting Governor*

#### *With Her Objections Thereto.*

The engrossed Bill relative to the enhancement of revenues in the Commonwealth (see House, No. 5250), which, on Thursday, July 19, 2002, had been laid before Her Honor the Lieutenant-Governor, Acting Governor, for her approbation,— came from the

House, the same having been returned by Her Honor the Lieutenant-Governor, Acting Governor, with her objections thereto in writing (for message, see House, No. 5269) and having passed that branch, notwithstanding said objections.

The message (House, No. 5269) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

After debate, (Ms. Melconian in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the question on passing the bill, in concurrence, the objections of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at seven minutes past two o'clock P.M., as follows, to wit (yeas 28 — nays 9):

**YEAS.**

Antonioni, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 28.

**NAYS.**

Baddour, Steven A.	Lees, Brian P.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R. — 9.
Knapik, Michael R.	

**PAIRED.**

<b>YEA.</b>	<b>NAY.</b>
Richard T. Moore,	Therese Murray (present) — 2.

**The yeas and nays having been completed at eleven minutes past two o'clock P.M., the bill was passed by Senate, notwithstanding the objections of Her Honor the Lieutenant-Governor, Acting Governor, two-thirds of the members present having approved the same.**

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill authorizing the city of Waltham to continue the use of certain park land for water purposes (House, No. 4833),—**was read a second time and ordered to a third reading.**

The Senate bills

Relative to unauthorized access to computers and penalties (Senate, No. 173);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain property to the Division of Law Enforcement of the Department of Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement (Senate, No. 2401, amended); and

Relative to certain benefits for the surviving spouses of certain state police officers (Senate, No. 2429);

**Were severally read a third time and passed to be engrossed.**

**Severally sent to the House for concurrence.**

The House bills

Relative to the use of asthma inhalers by students in public schools (House, No. 4411); and

Relative to the terms of certain bonds issued by the Commonwealth (House, No. 5198);

**Were severally read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the licensing of sign installers (House, No. 4067, amended),— **was read a third time and passed to be engrossed, in concurrence, with amendments previously adopted by the Senate.**

**Sent to the House for concurrence in the amendments previously adopted by the Senate.**

The House Bill relative to the public distribution of free smoking or tobacco products (House, No. 235),— was read a second time, the main question being on ordering the bill to a third reading.

The pending amendment, previously recommended by the committee on Ways and Means, in subsection (a) (as printed), by inserting after the first sentence the following sentence:— “This section shall not apply to any distribution in facilities licensed under section 12 of chapter 138 to serve alcoholic beverages for consumption on the premises.”; and in subsection (d) (as amended by the House), by adding the following sentence:— “This section shall not apply to any distribution in facilities licensed under section 12 of chapter 138 to serve alcoholic beverages for consumption on the premises.”,— was considered.

The amendment was adopted.

Mr. Hart moved that the bill be further amended in subsection (a) by inserting after the second sentence, as amended, the following words:— “Nor shall this section apply to any distribution in any facility or restricted area where the operator ensures or has reasonable basis to believe that no minor is present while the distribution of tobacco products is taking place. Nor shall this section apply to any distribution that is provided to an adult in connection with (i) the purchase, exchange, or redemption for proof of purchase of any tobacco products, or (ii) the conducting of consumer testing or evaluating of tobacco products with persons who certify that they are adults.”

This amendment was *rejected*.

**The bill, as amended, was then ordered to a third reading.**

The House Bill relative to protection offered in connection with rental agreements (House, No. 5174),— **was read a second time and ordered to a third reading.**

The House Bill relative to certain food products and dietary supplements (House, No. 4353) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time, the main question being on passing to be engrossed.

**On motion of Ms. Chandler, the further consideration thereof was postponed until the next session.**

The Senate Bill to further protect children (Senate, No. 2420),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Creem moved that the bill be amended substituting a new draft entitled “An Act further protecting children” (Senate, No. 2436).

This amendment was adopted.

After debate, the question on passing the bill (Senate, No. 2436) to be engrossed, was determined by a call of the yeas and nays, at twenty-six minutes past two o’clock P.M., on motion of Ms. Creem, as follows, to wit: (yeas 38 — nays 0):

### YEAS.

Antonioni, Robert A.

Baddour, Steven A.

Berry, Frederick E.

Menard, Joan M.

Montigny, Mark C.

Morrissey, Michael W.

Brewer, Stephen M.  
Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Magnani, David P.  
McGee, Thomas M.  
Melconian, Linda J.

Murray, Therese  
Nuciforo, Andrea F., Jr.  
O’Leary, Robert A.  
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 — 0.**

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at twenty-nine minutes before three o’clock P.M., the bill (Senate, No. 2436) was passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill clarifying various insurance laws (Senate, No. 2428),— **was read a third time and passed to be engrossed.**  
**Sent to the House for concurrence.**

The Senate Bill relative to banks and banking (Senate, No. 2433),— was read a third time.

Pending the main question on passing the bill to be engrossed, Mr. Nuciforo moved to amend the bill in section 14, by striking out section 2 and inserting in place thereof the following section:—

“SECTION 2. The main office of a bank shall be in the city or town specified in its charter or in its agreement of association. Upon the recommendation of its governing board and the affirmative vote of two-thirds of its corporators, if a savings bank, or its members, if a cooperative bank or trust company, at a meeting called for the purpose, a bank may change the location of its main office to any other city or town within the commonwealth in which it operates a branch office by appropriate amendment of its charter or its agreement of association. A certified copy of the amendment shall be filed with the commissioner and the secretary of state. The change shall become effective 60 days after the filing; but, if in the opinion of the commissioner the public would be adversely affected by the change of location of the main office, he may disapprove the same in writing within said 60-day period.”

This amendment was adopted.

Mr. Nuciforo further moved to amend the bill in section 16, by inserting after the final paragraph of section 6, subparagraph (b), the following 2 paragraphs:—

“10. Obligations to the extent that they are secured by securities issued or guaranteed by a United States government sponsored entity, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

11. Obligations to provide securities, incurred in connection with securities loans, which obligations are fully secured by securities convertible at the option of the bank acting as principal or agent into securities of the same issue and class as the securities that are the subject matter of the obligation.”

This amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-two minutes before three o'clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 38 — nays 0):

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at eighteen minutes before three o'clock P.M., the bill (Senate, No. 2433, amended) was passed to be engrossed.  
Sent to the House for concurrence.**

The House Bill relative to homeowner testing for urea formaldehyde foam insulation (House, No. 3307) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill establishing standards for stage II vapor recovery systems (House, No. 4379, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended in section 2 by striking out the paragraph in lines 28 to 31 and inserting in place thereof the following 2 paragraphs:—

“(d) The department shall not promulgate or enforce a requirement that less than 2 responsible individuals or officials shall certify, subject to criminal sanctions or civil penalties, all Stage II system compliance requirements at a dispensing facility where the facility is owned by 1 party, leased or managed by another independent party and both parties have separate Stage II compliance responsibilities.

(e) The department shall establish and implement ongoing programs to communicate the department's Stage II system standards and operating requirements to motor vehicle fuel dispensing facility owners and operators.”

**This amendment was adopted.**

**The bill was then passed to be engrossed, in concurrence, with the amendments adopted by the Senate.**

**Sent to the House for concurrence in the amendments.**

The House Bill establishing a sick leave bank for a certain employee of the Department of Social Services (House, No. 5073),— **was read a third time and passed to be engrossed, in concurrence, with amendments previously adopted by the Senate.  
Sent to the House for concurrence in the amendments previously adopted by the Senate.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

*Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill establishing community reinvestment obligations for certain mortgage lenders (Senate, No. 2405),— was read a second time and was amended, as previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2430).

After remarks, the question on ordering the bill (Senate, No. 2430) to a third reading was determined by a call of the yeas and nays, at five minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0):

**YEAS.**

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

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

The yeas and nays having been completed at one minute past three o'clock P.M., the bill was ordered to a third reading and read a third time.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at six minutes past three o'clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 38 — nays 0):

**YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.

Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Magnani, David P.  
McGee, Thomas M.  
Melconian, Linda J.

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 — 0.**

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at eleven minutes past three o'clock P.M., the bill (Senate, No. 2430) was passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill relative to enhancing English opportunities for all students in the Commonwealth (House, No. 5010, amended),— was considered, the main question being on ordering it to a third reading.

The pending motion, previously moved by Mr. Glodis, to lay the matter on the table,— was considered; and it was *negatived*.

Mr. Giodis moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4839; and this was *rejected*.

The pending amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2409,— was considered; and it was adopted.

The bill, as amended, was then ordered to a third reading. Subsequently, there being no objection, the bill was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Antonioni and Pacheco moved that the bill be amended by inserting after section 1 the following section:—

“SECTION 1A. Section 1 of chapter 69, as so appearing, is hereby amended by inserting after the word ‘children’, in line 3, the following words:— ‘including a limited English proficient student as defined in section 1 of chapter 71A, and also’ ”; and

In section 16 by striking out the second sentence and inserting in place thereof the following sentence:— “At the beginning of any school year, the school committee shall establish a policy requiring that the district offer at least 1 English language learners program for all limited English Proficient students.”; and

In section 16 by striking out, in lines 29 to 42, the words: “In any school district with 50 or more limited English proficient students in any 1 language group at the elementary school level, the school committee shall establish a policy requiring that the district offer at least 2 English language learners programs for those students. In any school district with 50 or more limited English proficient students in any 1 language group at the middle school level, the school committee shall establish a policy requiring that the district offer at least 2 English language learners programs for those students. In any school district with 50 or more limited English proficient students in any 1 language group at the high school level, the school committee shall establish a policy requiring that the district offer at least 2 English language learners programs for those students.” and inserting in place thereof the following 3 sentences:— “In any school district with 50 or more limited English proficient students in any 1 language group at the elementary school level, the school committee shall establish a policy requiring that the district offer at least 2 full-time English language learners programs for those students. In any school district with 50 or more limited English proficient students in any 1 language group at the middle school level, the school committee shall establish a policy requiring that the district offer at least 2 full-time English language learners programs for those students. In any school district with 50 or more

limited English proficient students in any 1 language group at the high school level, the school committee shall establish a policy requiring that the district offer at least 2 full-time English language learners programs for those students.”; and

In section 16, by striking out the last sentence and inserting in place thereof the following sentence:— “In determining the types of English language learners programs to be offered, the policy determination of the school committee shall reflect that strong consideration was given to the programs requested by the parents or legal guardians of limited English proficient students.”; and

In section 17, by striking out, in lines 13 to 19, the words:— “Districts with 20 or more limited English proficient students in any 1 language group shall provide opportunities for such limited English proficient students to maintain proficiency in their native language, including, but not limited to, as part of an English language learners program or through foreign language courses or after school programs.” and inserting in place thereof the following sentence:— “To the extent practical, districts shall make available reasonable enrichment opportunities for interested limited English proficient students, either during or outside the regular school day, including, but not limited to, as part of an English language learners program or through foreign language courses or after school programs, to help them maintain their native language skills.”; and

In section 17, by striking out, in lines 197 to 213, the words:— “The department shall conduct on-site visits to school districts with approved district plans, established under this section, for the purpose of evaluating the implementation and effectiveness of such plan and to validate evidence of educational outcomes, and shall assist the school districts in improving their capacity to serve limited English proficient students. The district plan shall be the basis for review, evaluation and periodic monitoring by the department of the district’s English language learners program or programs. The department shall conduct a review and evaluation of such program or programs at least once every 3 years. The evaluation shall include, but not be limited to, a review of the effectiveness of the program, a review of individual student records to ensure that all limited English proficient students are provided with appropriate programs and services, and a review of the drop out rate of limited English proficient students formerly enrolled in the district’s English language learners program or programs within the prior 3 years.” and inserting in place thereof the following sentences:— “The office of educational quality and accountability shall conduct on-site visits to school districts with approved district plans, established under this section, at least once every 5 years for the purpose of evaluating the effectiveness of such plan and to validate evidence of educational outcomes. The evaluation shall include, but not be limited to, a review of individual student records of all limited English proficient students, a review of the programs and services provided to limited English students to determine if they are in accordance with the district plan, and a review of the drop out rate of limited English proficient students formerly enrolled in the district’s English language learners program or programs within the prior 3 years.”; and

In section 17, by striking out, in lines 227 to 242, the words:— “Except as provided in this section, any limited English proficient student may remain in an English language learners program for a period of 3 years, or until such time as the student achieves a level of English language proficiency that will enable the student to perform successfully in classes in which instruction is given only in English as determined by scores on English proficiency assessments as set forth in this section, whichever occurs first. Only full-day kindergarten shall be counted toward the time limitations set forth in this section.

School districts shall develop an intensive English learning success plan for any limited English proficient student whom the district determines fails to achieve scores on English proficiency assessments that, in the determination of the department, reflect sufficient progress toward achieving English language proficiency following the student’s second year in any English language learners program.”

And inserting in place thereof the following 3 sentences:—

“Except as provided in this section, any limited English proficient student may remain in an English language learners program for a period of 2 years, or until such time as the student achieves a level of English language proficiency that will enable the student to perform successfully in classes in which instruction is given only in English as determined by scores on English proficiency assessments as set forth in this section, whichever occurs first. Only full-day kindergarten shall be counted toward the time limitations set forth in this section. School districts shall develop an intensive English learning success plan for any limited English proficient student whom the district determines fails to achieve scores on English proficiency assessments that, in the determination of the department, reflect sufficient progress toward achieving English language proficiency following the student’s first year in any English language learners program.”; and

In section 17, by striking out, in lines 250 to 251, the words:— “Such plan may remain in effect for a period not to exceed one year.” and inserting in place thereof the following sentence:— “Any student who fails to achieve scores on English proficiency assessments that, in the determination of the department, reflect sufficient proficiency that will enable the student to perform successfully in classes in which instruction is given only in English, may remain in such intensive plan for up to one additional year, with the approval of the student’s parents or legal guardian.”; and

In section 18, by striking out, in lines 44 to 46, the words:— “Each school district operating an English language learners program or programs for 50 or more limited English proficient students shall establish a parent advisory council.” and inserting in



place thereof the following sentence:— “Each school district operating an English language learners program or programs for 20 or more limited English proficient students in any one language group shall establish a parent advisory council.”; and

In section 18, by striking out the last sentence and inserting in place thereof the following sentence:— “In the course of its duties under this section, the parent advisory council shall receive assistance from the director of English language learners programs for the district or other appropriate school personnel as designated by the superintendent.”; and

By striking out section 26 and inserting in place thereof the following section:—

“SECTION 26. Notwithstanding any general or special law to the contrary, any limited English proficient student, as defined in section 1 of chapter 71A of the General Laws, who was enrolled in a public secondary school in the commonwealth directly from a country other than the United States of America, and who was unable to achieve proficiency in the English language, as determined by English proficiency assessments established under section 2B of said chapter 71A, prior to leaving such public secondary school, to the extent possible shall be given access to English language and literacy skill instruction courses offered through the adult basic education program established under section 1H of chapter 69 of the General Laws.”

By striking out section 29 and inserting in place thereof the following section:—

“SECTION 29. Sections 1 and 17 shall take effect on January 1, 2003.”; and

By striking out section 30 and inserting in place thereof the following section:—

“SECTION 30. Sections 2 through 16, inclusive, and 18 through 27, inclusive, shall take effect in July 1, 2003.”

After debate, the amendment was adopted.

The question on passing the bill to be engrossed, in concurrence, with the amendments, was determined by a call of the yeas and nays, at two minutes before five o'clock P.M., on motion of Mr. Antonioni, as follows, to wit: (yeas 37 — nays 1):

**YEAS.**

Antonioni, Robert A.  
Baddour, Steven A.  
Berry, Frederick E.  
Brewer, Stephen M.  
Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Magnani, David P.  
McGee, Thomas M.  
Melconian, Linda J.  
Menard, Joan M.

Montigny, Mark C.  
Morrissey, Michael W.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
O’Leary, Robert A.  
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 — 37.

**NAY.**

Glodis, Guy W. — 1.

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at two minutes past five o' clock P.M., The bill (House, No. 5010, amended) was passed to be engrossed, in concurrence [For text of Senate amendments, see Senate, No. 2439, printed as amended]. Sent to the House for concurrence in the amendments.**

The House Bill relative to the descent and distribution of property (House, No. 5136,— was considered, the main question being on ordering it to a third reading.

The pending amendment, previously moved by Ms. Jacques, adding at the end thereof the following sections:—

“SECTION 2. Section 4 of Chapter 192 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘person’ in line 3, the following words:— , and is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 3. Section 13 of Chapter 192 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘suitable’ in line 2, the following words:— , and if such person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 4. Section 1 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘suitable’ in line 3, the following words:— , and only if such person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 5. Section 7 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘trust,’ in line 2, the following words:— or if the executor is under indictment for, or has been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased;.

SECTION 6. Section 7 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘person’ in line 7, the following words:— , who is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased;.

SECTION 7. Section 7A of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘suitable’ in line 4, the following words:— and if such person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 8. Section 9 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘persons’ in line 9, the following words:— who are not under indictment for, or have not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 9. Section 10 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘him’ in line 6, the following words:— , provided, however, that no person shall be appointed as a special administrator who is under indictment for, or has been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 10. Section 11 of Chapter 195 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘person’ in line 11, the following words:— who is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes against the deceased,.

SECTION 11. Section 11 of Chapter 195 of the General Laws, as appearing the 2000 Official Edition, is hereby further amended by adding the following paragraph:—

If an executor or administrator is indicted for, or convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased, the executor or administrator is not eligible to serve as executor or administrator of the deceased’s estate, and the probate court shall remove him immediately as such from the point of indictment or conviction, whichever occurs earliest. The court shall appoint a suitable person to act as executor or administrator.”,— was considered, and it was adopted.

Mr. Creedon moved to amend the bill by adding the following sentence:— “The provisions of this section, and any order of a court entered pursuant thereto, shall not have any effect on title to real property, except against the person charged with an offense to which this section applies, or said person’s heirs and devisees, until a memorandum that recites the name of said person is recorded in the manner provided in section 15 of chapter 184, and no order so entered shall divest any person who has given fair consideration for any interest in such property before such recording.”

**This amendment was adopted.**

**The bill, as amended, was then ordered to a third reading.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

Paper from the House.

The House Bill further regulating business practices between motor vehicle manufacturers, distributors and dealers (House, No. 4997, 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 2412, *with a further amendment*, striking out section six and inserting in place thereof the following two sections:—

“SECTION 6. Sections 1 and 2 shall take effect on September 1, 2003.

SECTION 7. Sections 3, 4 and 5 shall take effect on September 1, 2002.”

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

*Bill Previously Recalled from the Acting Governor*

*Laid Before the Senate.*

The engrossed Bill authorizing the town of Truro to establish an affordable housing trust fund (see House, No. 4477, amended) which, at a previous session, had been returned by Her Honor the Lieutenant-Governor, Acting Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Mr. Nuciforo, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. O’Leary presented an amendment in section 4, by adding the following sentence:— “This section shall not apply to proceeds from the sale of park land.”

**Sent to the House for concurrence in the amendment.**

*Orders of the Day.*

The President in the Chair, the Orders of the Day were further considered, as follows:

The Senate Bill providing for certain transportation improvements (Senate, No. 2245, amended),— was considered, the main question being on concurring with the House amendment.

The pending recommendation, previously moved that the Senate concur in the House amendment, *with a further amendment*, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2434,— was considered.

Pending the main question, Mr. Travaglini moved that the further amendment be amended by inserting at the end thereof the following section:—

“SECTION 22. Chapter 90 of the General Laws is hereby amended by adding the following section:—

Section 61. (a) Notwithstanding any general or special law to the contrary, as a matter of public safety and security, there is hereby established a security zone bordering the General Edward Lawrence Logan International Airport that shall include the area between the mean high water line of the airport and a line measured 500 feet seaward of and parallel to the mean high water line from Wood Island basin to the easterly end of Jeffries cove as shown on a plan entitled ‘Plan of General Edward Lawrence Logan International Airport Security Zone’ prepared by Massachusetts Port Authority Capital Programs Department, April 2002.

(b) Subject to the consent and approval of and the determination and certification by the United States Transportation Security Administration, the executive office of public safety, and the office of commonwealth security that it is consistent with and will not compromise or otherwise interfere with the maintenance of the highest standard of airport and homeland security, no person, except authorized law enforcement or military personnel and authorized personnel of the authority, shall: (1) carry or otherwise possess a firearm, rifle, shotgun, assault weapon, ammunition, explosive device or material, or hoax device as defined in section 102A 1/2 of chapter 266, within the security zone; (2) engage in any activity within the security zone that jeopardizes or may

jeopardize the safety or security of a person or the airport; or (3) enter the security zone or engage in any activity, including boating, anchoring, fishing, shellfishing, hunting, swimming or other underwater activities, within the security zone, except (i) as may be expressly permitted in writing by the authority; (ii) with respect to shellfishing, as may be authorized by the department of marine fisheries within the security zone and in accordance with regulations or policies as may be promulgated by the department of marine fisheries in coordination with the authority. In no event shall the total number of shellfishermen within the security zone exceed 50 and no person shall engage in shellfishing within the security zone without prior notice provided by the department of marine fisheries to the authority setting forth: (a) the number of shellfishermen working within the security zone; (2) the time the fishermen will be working within the security zone; and (3) all other information as the authority may reasonably require; or (iii) with respect to boating in the vicinity of Logan Airport, as may be clearly and conspicuously demarcated within the security zone by the authority to allow boats to travel through navigable waters within the security zone; provided, however, that in no instance shall a boat enter within 250 feet seaward of the mean high water line surrounding the airport.

(c) Notwithstanding any general or special law to the contrary, no person shall engage in shellfishing within a regulated shellfishing zone consisting of the security zone, as established in subsection (a), and shellfish beds located within the property of the authority, unless the person has registered with the authority to access the regulated shellfishing zone in accordance with this chapter.

(d) Within 7 days of the receipt of a completed application for registration to access the regulated shellfishing zone, the authority may forward a copy of the application and a copy of the applicant's fingerprints to the colonel of state police who shall, within 14 days, advise the licensing authority, in writing, of any criminal record of the applicant arising from within or without the commonwealth. In searching for the history of the applicant, the authority or the colonel may utilize, or cause to be utilized, files maintained by the department of mental health, department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. If the information available to the authority or the colonel does not indicate that the applicant should be restricted from the regulated shellfishing zone, the authority shall issue a registration card to the applicant within the 14-day period.

(e) The authority may not prescribe any other condition for the issuance of a registration card and shall, within 21 days from the date of application, either approve the application and issue the registration card or deny the application and notify the applicant of the reason for the denial in writing.

(f) A person who violates this section shall be subject to immediate arrest and, upon conviction, shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than \$25,000 or both."

The amendment was adopted.

Mr. Moore moved to amend the further amendment by adding the following words:— “; provided further that not less than \$100,000 shall be expended for the design and installation of a pedestrian traffic control signal to be installed on East Main street, state highway route 131 in the town of Southbridge, opposite the entrance of the Center of Hope Sheltered Workshop”.

The amendment was adopted.

Mr. Moore moved to amend the further amendment in section 12, by adding the following words:— “; and provided further, that \$150,000 shall be expended for a comprehensive engineering and planning study, including recommendations and estimates of probable cost, of the feasibility of opening or replicating a portion of the historic Blackstone canal in the town of Uxbridge”.

The amendment was adopted.

Mr. Moore moved to amend the further amendment in section 12, by adding the following words:— “; and provided further, that not less than \$540,000 shall be expended for delivery of Jitney bus service, including a 50-vehicle parking facility, from the town of Milford to the Forge Park Commuter Rail Station in the town of Franklin.”.

The amendment was *rejected*.

Mr. Moore moved to amend the further amendment in section 12, by adding the following words:— “; and provided further, that \$100,000 shall be expended as a grant to the town of Southbridge to allow the town to contract with a transportation provider who, in conjunction with any other private or federal funds, shall provide direct shuttle service between the city of Worcester and the town of Southbridge to implement the Southern Worcester County Transportation Project, including operation, marketing and vehicle lease-purchase”.

The amendment was *rejected*.

Ms. Creem moved to amend the further amendment by adding the following section:—

“SECTION 23. The Massachusetts Turnpike Authority shall establish and convene within 30 days of the effective date of this act a task force to determine the effect that the Turnpike and its new toll increases shall have for neighborhoods in the vicinity of Exits 16 and 17 on the Turnpike in the city of Newton, specifically, the areas known as Newton Corner, Nonantum, Newtonville, West Newton, Auburndale, Newton Lower Falls and Waban. The task force shall also study the continuing problem of noise from the Turnpike for neighborhoods abutting the Turnpike throughout the city of newton. The task force shall be composed of 5 members: 1 shall be appointed by the Massachusetts Turnpike Authority; 1 shall be appointed by the Massachusetts highway department; 1 shall be appointed by the executive office of environmental affairs; 2 shall be appointed by the mayor of the city of Newton. The study shall include, but not be limited to, any issues concerning traffic, pedestrian access and safety, parking, pollution and noise in the city of Newton related to its proximity to the Turnpike. The task force shall conduct at least 1 public hearing in the city of Newton. The task force shall make recommendations, including, but not limited to mitigating the noise, traffic and safety problems stemming from the proximity of Newton neighborhoods to Massachusetts Turnpike. The cost of implementing any such recommendations shall be the responsibility of the Massachusetts Turnpike Authority. Nothing in this section shall in any way limit the city of Newton’s authority to approve any changes to its public roadways. The task force shall submit its findings and recommendations to the house and senate chairs of the legislature’s joint committee on transportation, and to the city of Newton, no later than January 1, 2003. The Massachusetts Turnpike Authority shall not institute tolls at Exit 16 or 17 prior to the conclusion of this study and without further analysis of the impact of such institution on the problems aforementioned.”

The amendment was adopted.

Mr. Baddour moved to amend the further amendment, in section 12, by inserting after the word “Road”, in line 124, the following words:— “; provided further, that not less than \$3,000,000 shall be expended for the reconstruction and improvement of US Route 1/Bridge road in the town of Salisbury”.

The amendment was adopted.

Mr. Baddour moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; provided further, that \$250,000 shall be expended for engineering and design of an access route from route 213 in the city known as Methuen to the Methuen Transfer Station”.

The amendment was adopted.

Mr. Baddour moved to amend the further amendment, in section 4, by inserting after the word “Commonwealth”, in line 17, the following words:— “; provided further, that not less than \$4,000,000 be appropriated for the reconstruction and improvement of the R Street Bridge and Elm street in the town of Amesbury”.

The amendment was *rejected*.

Mr. Baddour moved to amend the further amendment, in section 12, by inserting after the word “Road”, in line 124, the following words:— “; provided further, that not less than \$500,000 shall be expended for the County Bridge in the city of Haverhill.”

The amendment was adopted.

Mr. Baddour moved to amend the further amendment, in section 12, by inserting after the words “Route 3A and Manomet Road”, in line 21, the following words:— “; and provided further, that not less than \$2,500,000 shall be expended for off street parking on Granite Street at Moulton way and Essex street in the city of Haverhill”.

The amendment was *rejected*.

Messrs. Baddour and Tarr moved to amend the further amendment, in section 12, by inserting after the words “Route 3A and Manomet Road, in line 124,” the following words: “; and, provided further, that \$2,500,000 shall be expended for the Old Center Rotary Project in the town of North Andover”.

The amendment was *rejected*.

Mr. Baddour moves to amend the further amendment, in section 4, by inserting after the word “commonwealth, in line 17, the following words:— “; and provided further, that not less than \$5,000,000 be appropriated for a new parking facility in the city of Newburyport”.

The amendment was *rejected*.

Mr. Brewer moved to amend the further amendment by adding the following section:—

“SECTION 24. The Massachusetts highway department shall assume administration of state route 140 from the Gardner/Winchendon town line northerly to the intersection with Teel road.”

The amendment was adopted.

Mr. Brewer moved to amend the further amendment, in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that not more than \$25,000 shall be expended on construction of a North Quabbin Gateway visitor information kiosk at the rest area located on state highway Route 2 westbound in the town of Templeton”.

The amendment was *rejected*.

Messrs. Brewer, Tolman, Antonioni and Chandler moved to amend the further amendment, in section 9, by inserting after the word “trails”, in line 5, the following words:— “; provided further, that not more than \$500,000 shall be expended for reconstruction of a bicycle pathway and tunnel under state highway route 56 in the town of Rutland; provided further, that \$750,000 shall be expended for the completion of the Tri-Community Bike Path in the town of Winchester; provided further, that \$600,000 shall be expended for the construction of the Watertown bike path between Grove and School streets; provided further, that \$500,000 shall be expended for the purposes of a rail trail in the cities of Leominster and Fitchburg adjacent to state highway route 12; and provided further, that \$500,000 shall be expended for the construction of a rail trail bridge in the town of West Boylston next to the Beaman street bridge on state highway route 140”; in section 10 by striking out the figure “\$17,000,000” and inserting in place thereof the following figure:— “\$19,850,000”; and in section 11 by striking out the figure “\$1,067,200,000” and inserting in place thereof the following figure:— “\$1,070,050,000”.

The amendment was adopted.

Mr. Brewer moved to amend the further amendment, in section 12, by inserting after the word “Road”, in line 124, by adding the following words:— “provided further, that not less than \$100,000 shall be expended on improvements to and restoration of the East Brookfield Railroad Station”.

The amendment was adopted.

Messrs. Brewer and Moore moved to amend the further amendment, in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that \$75,000 shall be expended for the reimbursement of costs associated with the paving of state route 31 in the town of Charlton”.

The amendment was adopted.

Mr. Brewer moved to amend the further amendment in section 12, by adding the following words:— “; provided further, that \$25,000 shall be expended for the purpose of conducting a feasibility study for transportation improvements between exits 16 and 17 on Route 2 in the area of the proposed Athol Industrial Park”.

The amendment was adopted.

Mr. Brewer moved to amend the further amendment in section 12, by adding the following words:— “; provided further, that \$50,000 shall be expended to study traffic flow at the intersection of routes 122, 32, and 62 in the town of Barre”.

The amendment was adopted.

Mr. Brewer moved to amend the further amendment in section 12, by adding the following words:— “; provided further, that \$25,000 shall be expended for the purpose of conducting a feasibility study for improvements to Route 32 in the area of the Nichewaug Inn in the town of Petersham”.

The amendment was adopted.

Ms. Wilkerson and Mr. Tolman moved to amend the further amendment in section 13 by striking out, in lines 25 to 27, the words “provided further, that the Authority shall conduct and prepare a study of the costs siting alternatives, design alternatives, financing alternatives be filed with the joint committee on transportation on or before May 15, 2002;” and inserting in its place the following words:— “provided, however, that except for such funds not to exceed \$2,500,000, as shall be necessary to complete any reports that may be required by section 61 to 62H, inclusive, of chapter 30 of the General Laws, no funds from the preceding \$15,000,000 authorization shall be expended until such reports are completed; provided, further, that such reports shall be prepared in consultation with the Massachusetts Turnpike Authority and the department of highways; provided further, that the Convention Center Authority in consultation with the Turnpike Authority and the department of highways shall conduct and prepare a study of the necessity, feasibility, costs, siting alternatives, design alternatives, financing alternatives and other issues related to construction of the ramp and a report shall be filed with the joint committee on transportation on or before January 31, 2003; provided further, that the Convention Center Authority, in consultation with the Turnpike Authority and department of

highways shall establish and conduct a public advisory process, including a public hearing, as part of such study regarding the specific issues stated herein and other issues related to the construction of said ramp.”

The amendment was adopted.

Mr. Lees and Ms. Melconian moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that \$1,000,000 shall be expended for continuation of the Union Station Project in Springfield;”.

The amendment was adopted.

Mr. Lees moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that \$100,000 shall be expended for additional signalization on state route 202 at the public safety complex area in Belchertown;”.

The amendment was adopted.

Mr. Lees moved to amend the further amendment in section 12, by inserting after the word “Road,” in line 124, the words:— “; and provided further, that \$100,000 be expended for improved access to and reconstruction of the boat ramp at 5-Mile pond in Springfield;”.

The amendment was *rejected*.

Mr. Lees moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that \$1,000,000 shall be expended for improvements in the Spec pond recreation area in Wilbraham;”.

The amendment was adopted.

Mr. Shannon moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that \$1,500,000 shall be expended for streetscape and roadway improvements on Mount Vernon street in the town of Winchester”.

The amendment was adopted.

Mr. Shannon moved to amend the further amendment in section 2, by inserting after the word “Road”, in line 124, the following words:— “provided further, that \$2,000,00 shall be expended for repairs and improvements to state route 38 at North Main street and Bates road off Route 28 and Route 60 in the town of Winchester”.

The amendment was adopted.

Mr. Shannon moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that \$500,000 shall be expended for the replacement of two bridge culverts in the town of Winchester in the area of Horn Pond Brook”.

The amendment was adopted.

Mr. Shannon moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that \$450,000 shall be expended for the design, study and completion of Phase Two of the Mystic Valley Parkway Rehabilitation Project, so-called, encompassing the areas of Roosevelt Circle and South Border road, located in the town of Winchester and the city of Medford”.

The amendment was adopted.

Mr. Shannon moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that the metropolitan district commission shall expend \$200,000 for a study and design plan to correct an existing public safety hazard on Elm street in the city of Medford”.

The amendment was *rejected*.

Mr. Shannon moved to amend the further amendment by inserting after section 7, the following section:

“SECTION 22. Chapter 465 of the acts of 1956 is hereby amended by adding the following section:—

Section 36. (a) There shall be an advisory board to the authority consisting of a voting representative of each of the following cities and towns: Bedford, Braintree, Brookline, Cambridge, Chelsea, Cohasset, Everett, Hingham, Hull, Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere, Saugus, Somerville, Weymouth, Winthrop and Worcester; provided further, that the city of Boston shall have 5 voting representatives, 1 of whom shall be a resident of the Beacon Hill or South End sections of the city of Boston, 1 of whom shall be a resident of the East Boston section of the city of Boston, 1 of whom shall be a resident of the Dorchester or Roxbury sections of the city of Boston, one of whom shall be a resident of the Charlestown or South Boston sections of the city of Boston, 1 of whom shall be a resident of the Roslindale, Jamaica Plain or Hyde Park sections of the city of Boston. The members of the advisory board shall consist of the chief executive officer thereof; provided however, that any chief executive officer, by writing filed with the authority, may appoint a permanent designee to serve in his stead as a member of said advisory board until the expiration of each term of office of the designating chief executive officer or the earlier vacancy of the office of the designating chief executive officer; provided further, that if the chief executive officer of the city of Boston opts to serve as the representative for the city of Boston to the advisory board, he shall be deemed to represent the forgoing sections of the city of Boston; provided further that a permanent designee shall be versed in at least 1 of the following 3 disciplines: environmental affairs, community/airport relations or public health. For the purpose of this section, the term 'chief executive officer' shall mean the person designated as the chief executive officer under the provisions of a local charter or laws having the force of a charter, and otherwise the mayor in every city and the chairman of the board of selectmen or president of the town council, as the case may be, in every town.

(b) Except as otherwise proscribed in this section, each voting representative shall cast 1 vote on the advisory board. Each voting representative of the several sections of the city of Boston as listed in paragraph (a) shall cast 1 vote. Wherein the chief executive officer of the city of Boston shall opt to serve as the representative to the advisory board for the city of Boston, he shall cast 5 votes.

(c) Said advisory board may act at a regular periodic meeting called in accordance with its by-laws or at a special meeting called by the authority or if a majority of the cities, towns and sections of the city of Boston referred to in paragraph (a) choose to do so. For the purposes of the forgoing provision, each city, town and section of the city of Boston referred to in paragraph (a) shall count as one. Except as specially provided in paragraph (f), a quorum of the advisory board shall consist of a simple majority of voting members present, and the advisory board may act, except as otherwise provided in paragraph (f), by affirmative casting of a majority of the votes represented in the quorum. The advisory board shall be deemed to be a governing body for the purposes of, and shall be subject to section 11A 1/2 of chapter 30A of the General Laws.

(d) For the conduct of its business the advisory board shall adopt and may revise and amend by-laws. The advisory board shall annually elect a chairperson, a vice-chairperson, a secretary and such officers as the advisory board might determine. Each officer may be removed by a two-thirds vote of the advisory board without cause. In the event of a vacancy, the board shall fill the vacancy for the unexpired term. Each member of the advisory board shall serve without compensation but may be reimbursed, as an expense of the advisory board, for all reasonable expenses incurred in the performance of his duties as approved by the advisory board.

(e) The purposes of the advisory board shall be as follows:

(i) to appoint 1 member of the board of directors of the authority, as provided for in section 2, and in the manner proscribed in paragraph (f);

(ii) to make recommendations to the authority on annual current expense expenditure budgets submitted to the advisory board under paragraph (j);

(iii) to hold hearings, which may be held jointly with the authority at the discretion of the advisory board and the authority, on matters relating to the authority;

(iv) to review the annual report of the authority and to prepare comments thereon to the authority and the governor, and to make such examinations of the reports on the authority's records and affairs as the advisory board deems appropriate; and

(vi) to make recommendations to the governor and the general court respecting the authority and its programs; the advisory board shall have all powers necessary or convenient to carry out and effectuate the foregoing purposes.

(f) One member of the board of directors shall be appointed by the advisory board in accordance with section 2. The member of the board of directors so appointed may also be a member of the advisory board. The advisory board shall appoint successor members, who shall replace that member of the board of directors appointed by the advisory board whose term has expired or otherwise terminated. With respect to appointment of any member of the board of directors the advisory board shall act only if a special quorum is present consisting of two-thirds of voting members, and then only by an affirmative vote of two-thirds of the voting members.



(g) Within 30 days of receiving any proposed current expense budget of the authority or within 15 days of receiving any proposed amended expense budget of the authority, the advisory board shall hold a public hearing on matters relating to the budget for the purpose of ascertaining, for subsequent report to the authority if necessary, the views of the public thereon.

(h) The advisory board shall provide for the appointment of an ombudsman who, with the assistance from such staff and consultants as the advisory board may authorize and appoint, shall act for and in the name of the advisory board in the following respects:

(i) preparation of analysis for the advisory board of the authority's current expense budgets, capital expenditure budgets and capital programs and their effect on the charges of the authority;

(ii) representation of the advisory board to the authority on all matters pertaining to the authority's programs, operations, finances and charges;

(iii) reporting regularly to the advisory board on the activities of the ombudsman and other staff of the advisory board, on the affairs of the authority, and on the effect of the authority's program and operations on residents of neighboring communities,

(iv) exercising such other duties and responsibilities consistent with the powers of the advisory board as the advisory board may assign from time to time.

(i) The advisory board may incur annual expenses, not to exceed \$150,000 for expenses authorized under paragraph (c) and for personnel and office expenses. The annual expenses shall be paid by the authority.

(j) The authority shall provide any information, including but not limited to, annual current expense expenditure budgets and capital expenditure reports, requested by the advisory board which are necessary for the discharge of its duties; provided however, that the advisory board shall not be granted access to any information if it be determined by the executive director of the authority and the director of security for the authority that the release of such information would be detrimental to public safety; provided further, that the determination shall be made in writing and the writing shall be delivered to the advisory board within 2 days; and, provided further, that the writing shall be signed by the executive director and director of security of the authority under pains and penalties of perjury."

The amendment was *rejected*.

Mr. Glodis moved to amend the further amendment in section 12, by inserting after the word "Road", in line 124, the following words:— "; and provided further, that \$3,200,000 shall be expended for the construction of a 1 mile connector road from United States route 20 to state route 30 in the towns of Shrewsbury and Grafton, also known as the Cherry street connector".

The amendment was adopted.

Messrs. Glodis and Hedlund moved to amend the further amendment by inserting after section 5 the following three sections:—

"SECTION 5A. Chapter 90B is hereby amended by striking out section 21, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:—

Section 21. No person shall operate a snow vehicle or a recreation vehicle unless such vehicle has been registered in accordance with the provisions of this chapter and displays a trails maintenance assessment decal for a snow vehicle, trail motorcycle or an all terrain vehicle, as the case may be, at a location on said snow vehicle, trail motorcycle or all terrain vehicle, as the case may be, as may be determined by the director in accordance with section 22, except on land owned by the owner of such vehicle.

Any properly registered snow vehicle, trail motorcycle or all terrain vehicle when operated solely on privately owned property when the operator has in his possession either a document, signed by the owner or lessee of the property, or his agent, authorizing the operation of such vehicle or motorcycle on the property by the operator, shall not require a trail maintenance assessment decal.

For the purposes of this section and section 22, "trails maintenance assessment decal", shall mean a resident or nonresident permit issued to: (1) snow vehicle operators for their snow vehicles by the nonprofit Snowmobile Association of Massachusetts, Inc. or its successor organization granting use of Massachusetts snow vehicle trails; (2) to trail motorcycle operators for their trail motorcycles by the Massachusetts nonprofit New England Trail Rider Association, Inc. or its successor organization granting use of Massachusetts trail motorcycle trails; or (3) all terrain vehicle operators for their all terrain vehicles by the nonprofit Massachusetts All Terrain Vehicle Association, Inc. or its successor organization granting use of Massachusetts all terrain vehicle trails; on public and private property for which permission has been granted. The associations shall establish trails and a license in trails with public and private property owners. Each of the associations shall collect the assessment through the sale of said decals for trail establishment, maintenance, audit and administration. The associations shall provide an annual accounting to the

commissioner of the department of environmental management describing the collection of said assessment and the expenditure of funds generated by the assessment.

SECTION 5B. Section 38A of chapter 132 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:— The department of environmental management shall construct, manage and maintain trails for horseback, trail motorcycle and all terrain vehicle riding, mountain biking, dog sledding, hiking, ski touring, snowmobiling, and other uses on land within its control in accordance with a plan for each area which will minimize conflicting uses, but allow each of the aforementioned activities sufficient trail mileage to participate comfortably and safely in these legitimate recreational activities. The trails for the horseback trail, motorcycle and all terrain vehicle riding, mountain biking, dog sledding, hiking, ski touring and snowmobiling and other uses shall be open year round except when weather or trail conditions render the trail usage unsafe or a significant threat to the condition of department resources; provided, however, that snowmobiles shall only operate on the trails covered with 4 or more inches of hard packed snow or ice; provided further that trail motorcycles and all terrain vehicles shall be prohibited from operating on the trails covered with 4 or more inches of hard packed snow or ice.

SECTION 5C. Said section 38A of said chapter 132, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:— To the extent practicable, the voluntary services of trail-using organizations and individuals shall be utilized in carrying out the work authorized hereunder; provided, however, that the commissioner may require a trail motorcycle club or other similar trail motorcycle entity which is a member of the Massachusetts nonprofit New England Trail Rider Association, Inc. or its successor organization or an all terrain vehicle club or other all terrain vehicle entity which is a member of the nonprofit Massachusetts All Terrain Vehicle Association, Inc. or its successor organization, or both, to sign a memorandum of agreement for trail maintenance in each location which meets or needs to meet the standards contained in the first and second sentences; provided further, that if the commissioner requires a memorandum of agreement to be signed for a particular location and there is no said trail motorcycle club, other similar trail motorcycle entity, all terrain vehicle club or other similar all terrain vehicle entity is available to sign a memorandum, then riding of that type of vehicle shall be prohibited in that location until a said club is available and signs such a memorandum.”

The amendment was *rejected*.

Mr. Shannon moved to amend the further amendment in section 12, in line 31, by striking out the figure “\$450,000” and inserting in place thereof the following figure:— “\$1,000,000”; and by inserting after the figure “93”, in line 33, the following words:— “adjacent to Rhode Island avenue and Vermont avenue”.

The amendment was adopted.

Messrs. Nuciforo and Brewer moved to amend the further amendment in section 5, by inserting after the word “received”, in line 46, the following words:— “The provisions of this section shall not apply to any towns with a population of less than 10,000 persons, according to the latest US Census.”

The amendment was *rejected*.

Mr. Tarr moved to amend the further amendment in section 12, by inserting after the word “Acushnet”, in line 15, the following words:— “; provided further, that not less than \$70,000 be provided for the installation of traffic signals on Route 113 at the Pentucket Regional High School at 22 Main street and at the Public Safety Building to be located at 403 Main street in the town of West Newbury”.

The amendment was adopted.

Mr. Tarr moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; provided further, that not less than \$150,000 be provided for the construction of a visitor information center in the town of Rockport”.

The amendment was *rejected*.

Mr. Tarr moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; provided further, that not less than \$2,000,000 shall be provided for the planning, design and construction of enhanced parking facilities and visitor information center in the vicinity of Washington street, Railroad avenue and Maplewood avenue, as well as Main street in the city of Gloucester”.

The amendment was adopted.

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

“SECTION 22. The Massachusetts Bay Transportation Authority shall make necessary improvements to the train station in the town of Rockport, including the relocation of track as necessary to provide suitable access to Evans Field, repaving of parking areas, increased handicap accessibility improvements and other accommodations to improve accessibility at said station.”

The amendment was *rejected*.

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

“SECTION \_\_\_\_\_. The Massachusetts Bay Transportation Authority shall remove and relocate its maintenance facility located in the town of Wilmington.”

The amendment was *rejected*.

Mr. Lees moved to amend the further amendment in section 12, by inserting after the word “Road,” in line 124, the following words:— “; and provided further, that \$1,000,000 shall be expended for repairs to the State Street bridge on state route 20 in Springfield;”.

The amendment was adopted.

Ms. Melconian and Mr. Knapik moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that \$2,500,000 shall be expended for improvements to Front street in the city of Chicopee”.

The amendment was adopted.

Ms. Tucker moved to amend the further amendment by inserting after section 5 the following section:—

“SECTION 5A. Section 1 of chapter 161A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 73, the word ‘Dracut’.”

The amendment was *rejected*.

Ms. Tucker moved to amend the further amendment by inserting after section 5 the following section:—

“SECTION 5A. Section 1 of chapter 161A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 85, the word ‘Tewksbury’.”

The amendment was *rejected*.

Ms. Tucker moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that not less than \$375,000 be expended for the design and installation of traffic signals at the intersection of East and Livingston street in the town of Tewksbury”.

The amendment was adopted.

Mr. Tolman moved to amend the further amendment in section 13, by striking out, in lines 15 to 27, the words “; provided further, that \$5,000,000” and inserting in place thereof the following words:— “; provided further, that \$15,000,000 shall be obligated to the Massachusetts Convention Center Authority for the engineering, design, siting, permitting and bid documents for the construction of a ‘U-turn’ and/or other ramp in the city of Boston to manage the flow of traffic to allow eastbound traffic on the Massachusetts Turnpike at a location east of the Allston/Cambridge exit and west of the Copley/Prudential exit on the turnpike to reverse direction or to access the Back Bay section of the city of Boston; provided further, that except for such funds not to exceed \$2,500,000 as shall be necessary to complete any reports that may be required by section 61 to 62H, inclusive, of chapter 30 of the General Laws, no funds from the preceding \$15,000,000 authorization shall be expended until such reports are completed; provided further, that such reports shall be prepared in consultation with the Massachusetts Turnpike Authority and the department of highways; provided further, that the Convention Center Authority in consultation with the Turnpike Authority and the department of highways shall conduct and prepare a study of the necessity, feasibility, costs, siting alternatives, design alternatives, financing alternatives and other issues related to construction of the ramp and a report shall be filed with the joint committee on transportation on or before January 31, 2003; provided further, that the Convention Center Authority, in consultation with the Turnpike Authority and the department of highways shall establish and conduct a public advisory process, including a public hearing, as a part of such study regarding the specific issues stated herein and other issues related to the construction of the ramp”.

The amendment was *rejected*.

Mr. Tolman moved to amend the further amendment in section 12, by inserting after the word “project”, in line 67, the following words:— “; provided further, that \$600,000 be expended for the construction of the Watertown bikepath between Grove and School streets”.

The amendment was *rejected*.

Mr. Tolman moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that \$420,000 shall be expended to install a traffic signal at the intersection of Grove street and Greenough boulevard in Watertown”.

The amendment was adopted.

Mrs. Sprague moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that \$200,000 shall be expended in conjunction with matching state and federal funds for engineering and design associated with repair of the state route 106 rail bridge underpass in the town of Mansfield”.

The amendment was adopted.

Mr. Glodis moved to amend the further amendment in section 12, by inserting after the words “Manomet road”, the following words:— “; and provided further, that \$50,000 shall be expended by the department of highways for a traffic noise survey to be conducted in the area of interstate highway route 290 in the town of Shrewsbury”.

The amendment was adopted.

Mr. Shannon moved to amend the further amendment by adding the following section:—

“SECTION 22. The Massachusetts Turnpike Authority and the department of highways shall mitigate damages to certain parcels of property in and along State street in the city of Boston for damages done by construction connected with the Central Artery Third Harbor Tunnel Project. The mitigation in total shall not exceed \$100,000”.

The amendment was *rejected*.

Mr. O’Leary moved to amend the further amendment in section 12, by inserting after the words “Manomet road”, the following words:— “; and provided further, that not less than \$300,000 shall be expended for a project to engineer and place a street light at the intersection of state highway route 28 and Orchard street in the town of Mashpee”.

The amendment was adopted.

Mr. O’Leary moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$50,000 shall be provided to the town of Barnstable for a traffic and economic feasibility study relative to considering the possible reconfiguration of traffic patterns in downtown Hyannis and the harbor area and parking facilities in the downtown harbor area”.

The amendment was adopted.

Mr. Magnani moved to amend the further amendment in section 12, by inserting after the words “Upper Palmer Avenue Bridge in Falmouth” the following words:— “; provided further, that \$1,500,000 shall be expended for 5 extremely hazardous intersections at Salem and Temple streets; Edgell and Water streets; Edgell and Brook streets; Edgell and Central streets; and Edgell and Vernon streets in the town of Framingham; provided further, that \$2,200,000 shall be expended for the resignaling and reconstruction of Franklin street in the town of Framingham; provided further, that \$1,300,000 shall be expended for reconstruction of the Central street bridge in the town of Saxonville; provided further, that \$1,000,000 shall be expended for reconstruction of the Winter street bridge in the town of Framingham; provided further, that \$1,500,000 shall be expended for resurfacing of state highway route 126 from the town line with Ashland to Irving Street”.

The amendment was adopted.

Messrs. Magnani and Moore and Ms. Resor moved to amend the further amendment in section 12, by inserting after the words “advancements of a telecommunications highway program” the following words:— “; provided further, that \$100,000 shall be expended for the purchase of a public safety vehicle for the mobile regional technical rescue team to serve the town of Ashland, Hopkinton, Southborough and Milford”.

The amendment was *rejected*.

Mr. Magnani moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$65,000 shall be expended to reimburse the town for the removal of a 20,000 gallon

underground diesel fuel tank and to install 2 above ground tanks for the storage of gasoline and diesel fuel in the town of Hopkinton”.

The amendment was *rejected*.

Mr. Magnani moved to amend the further amendment in section 12, by inserting after the words “traffic flow study at the convergence of routes 139, 27 and 138 in the center of Stoughton” the following words:— “; provided further, that \$50,000 shall be expended to reimburse the town of Medway for expenditures incurred to conduct a traffic study on state highway route 109 in fiscal years 2001 and 2002;”.

The amendment was adopted.

Messrs. Nuciforo and Magnani moved to amend the further amendment by inserting after section 4B (inserted by amendment) the following section:—

“SECTION 4C. Chapter 81A of the General Laws is hereby amended by inserting after section 4 the following section:—

Section 4A. The Massachusetts Turnpike Authority shall not allow a sign advertising a gasoline station, restaurant or other services to be erected or maintained on the turnpike that is larger than 80 square feet in area, excluding supports, or is higher than 30 feet from the ground, measured from the highest part of the sign. Signs currently in existence advertising a gasoline station, restaurant or other service erected or maintained on the turnpike which are more than 80 square feet in area, excluding supports, or higher than 30 feet from the ground measured from the highest point of the sign, shall not be illuminated by artificial means between the hours of 10:00 p.m. and 6:00 a.m.”

The amendment as adopted.

Mr. Joyce moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$300,000 shall be expended for signalization at the intersection of Adams street, Randolph avenue and Canton avenue in the town of Milton”.

The amendment was adopted.

Mr. Joyce moved to amend the further amendment in section 12, by inserting after the words “Monumet road” the following words:— “; and provided further, that \$150,000 shall be expended for improvements at the intersection of Canton avenue, Highland avenue and Thacher street in the town of Milton”.

The amendment was adopted.

Mr. Joyce moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$175,000 shall be expended for a study of the need and use of signalization at the intersection of Blue Hills parkway, Canton avenue and Unquity road in the town of Milton”.

The amendment was adopted.

Mr. Joyce moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$120,000 shall be expended on signalization on High street at Canton street and Reed street in the town of Randolph”.

The amendment was adopted.

Mr. Joyce moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$292,000 shall be expended on signalization and reconstruction on Oak street from North street to McDevitt road in the town of Randolph”.

The amendment was adopted.

Mr. Joyce moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$1,000,000 shall be expended for Massachusetts Bay Transportation Authority station improvements at Capen street, Valley road, Central avenue and Milton station”.

The amendment was *rejected*.

Mr. Joyce moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that \$785,000 shall be expended on signalization and reconstruction of a bridge and an

intersection on North Main street at Depot street, Pond street, West street, Liberty street and Grove street in the town of Randolph”.

The amendment was adopted.

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

“SECTION 22. Notwithstanding any general or special law or rule or regulation to the contrary, the Massachusetts Turnpike Authority shall not charge and collect tolls for transit through the Allston-Brighton exit and entrance on the turnpike by private passenger vehicles registered in the Allston and Brighton sections of the city of Boston, as the Boston transportation department has determined the geographical boundaries of said sections of the city of Boston, that are greater than the tolls in effect for such Allston and Brighton vehicles at said exit as of January 1, 2002.”

The amendment was *rejected*.

Mr. Pacheco moved to amend the further amendment in section 12, by inserting after the words “Manomet river” by the following words:— “; and provided further, that the department of highways shall install a traffic signal at the intersection of West Britannia street and Bay street in the city of Taunton”.

The amendment was adopted.

Mr. Pacheco moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that the department of highways shall install full traffic signalization at Braga square in the city of Taunton”.

The amendment was adopted.

Mr. Lees moved to amend the further amendment in section 13 by inserting after the word “that” in line 12, the following words:— “not more than” ; by striking out, in said line 12, the word “shall” and inserting in place thereof the following word:— “may”; by inserting after the word “that” in line 21, the following words:— “not more than”; and by striking out, in said line 21, the word “shall” and inserting in place thereof the word “may”.

The amendment as *rejected*.

Mr. Montigny moved to amend the further amendment in section 13, by striking out the words “May 15, 2002” and inserting in place thereof the following words:— “January 31, 2003”.

The amendment was adopted.

Ms. Murray moved to amend the further amendment by adding the following section:—

“SECTION 25. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall convey a certain parcel of land to the town of Plymouth to be used solely for alternative transportation purposes, including as a bicycle and pedestrian corridor. The premises consist of a 415,000 square foot parcel of Massachusetts Bay Transportation Authority-owned land on an approximately 1.19 mile stretch of right-of-way known as the Plymouth Branch in the Town of Plymouth commencing at the southerly sideline of Hedge Road at Engineering Station 1894+3 on railroad Valuation Sheet 5.19, Map 36, and running in a generally southerly direction and ending at the northerly sideline of Lothrop Street at Engineering Station 1957+10 on railroad Valuation Sheet 5.19, Map 37 (the ‘Premises’). The premises shall include all tracks, ties and culverts thereon, and they shall become the property of the town of Plymouth.”

The amendment was adopted.

Mr. Havern moved to amend the further amendment in section 12, by inserting after the words “Manomet road” the following words:— “; and provided further, that the department of highways shall spend an amount not to exceed \$6,500,000 for a corrosion mitigation program utilizing electrochemical corrosion passivation or chloride extraction treatment of steel reinforced structures”.

The amendment was adopted.

Mr. Havern moved to amend the further amendment by adding the following section:—

“SECTION 26. All appointments made by the commissioner of highways and the commissioner of the metropolitan district commission for construction inspection, engineering or related professional positions as authorized by this act and subparagraphs (2) and (3) of paragraph (c) of section 2 of chapter 811 of the acts of 1985, section 143 of chapter 33 of the acts of 1991, section 29 of chapter 102 of the acts of 1994, section 55 of chapter 273 of the acts of 1994 and chapter 235 of the acts of 2000 shall be of

employees who meet at least the minimum qualifications as established for the position by the personnel administrator and all such appointments shall be made in accordance with applicable collective bargaining agreements.

On or after the effective date of this act all appointments made to civil engineering titles CE II, CE III, CE IV, CE V or CE VI by the commissioner of highways and the commissioner of the metropolitan district commission, shall be in accordance with chapter 31 of the General Laws.”

The amendment was adopted.

Mr. Havern moved to amend the further amendment by inserting after section 5 the following section:—

“SECTION 5A. The first paragraph of section 6B of chapter 159B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:— Notwithstanding any other general or special law to the contrary, a city or town by vote of its council or selectmen may establish the maximum rate that may be charged for the towing away of motor vehicles within its jurisdiction, but the maximum rate charged by a city or town shall not exceed the maximum rate established by the department.”

The amendment was adopted.

Mr. Havern moved to amend the further amendment by inserting after section 15 the following two sections:—

“SECTION 15A. Section 2D of chapter 235 of the acts of 2000 is hereby amended by inserting after item 6001-9957 the following item:

6001-9605 For the purpose authorized by chapter 161 of the General Laws including the purchase, long term lease and rehabilitation of rolling stock, equip-

ment and related appurtenances 9,500,000

SECTION 15B. Section 2H of said chapter 235 is hereby amended by striking out item 6005-0016.”

And by inserting after section 16 the following section:—

“SECTION 16A. Section 7 of said chapter 235 is hereby amended by striking out the figure ‘\$22,370,000’ and inserting in place thereof the following figure:— \$31,870,000”.

The amendment was adopted.

Messrs. Havern and Panagiotakos and Ms. Murray moved to amend the further amendment by striking out sections 6 and 7 and inserting in place thereof the following 2 sections:—

“SECTION 6. The first paragraph of section 9 of chapter 161A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:— A city or town that is also a member of a regional transit authority shall have 100 per cent of the amount assessed for the operation of such regional transit authority credited against its share of the assessment made under this section; provided that any service provided under this section to such a city or town which joins a regional transit authority after June 30, 2002, shall be fully funded by the assessment, municipal or private funds and shall not result in any cost to the commonwealth.

SECTION 7. Section 3 of chapter 161B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

For the purposes of this section any city or town defined as an ‘other served community’ in section 2 of chapter 161A shall not be considered a member of the Massachusetts Bay Transit Authority.”

The amendment was *rejected*.

Mr. Havern moved to amend the further amendment by adding the following 9 sections:—

“SECTION 22. The department of telecommunications and energy shall require that whistle markers on the railroad right-of-way on the approach to each grade crossing referred to in section 30 shall be replaced with bell markers no later than the placement into service of the facilities referenced in section 30.

SECTION 23. The department of telecommunications and energy shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines over the grade crossings referred to in section 30 of the provisions of this act within 30 days after its effective date.

SECTION 24. Sections 40E to 40K of chapter 7 of the General Laws to the contrary, the commissioner of capital asset management and maintenance, acting in consultation with the commissioner of environmental management, shall convey to the Massachusetts Bay Transportation Authority, by quitclaim deed, for mass transportation and roadway purposes, the fee simple interest in the former railroad right-of-way located in the towns of Hingham and Cohasset more fully described in a deed from the United States to the commonwealth, dated September 17, 1986 and recorded with the Norfolk county registry of deeds in Book 8918, Page 199 and in the Plymouth county registry of deeds in Book 8200, Page 153.

The parcels of land are more particularly shown as parcels GBL-3P, GBL-3Q, GBL-3R, GBL-3S (in Hingham), and GBL-4A, GBL-4B, GBL-4C, and GBL-4D (in Cohasset) on a plan of land entitled 'Public Lands in the Towns of Hingham and Cohasset Plymouth and Norfolk Counties' dated April 12, 2001, prepared by Bryant Associates, Inc. and on file with the Massachusetts Bay Transportation Authority. Sections 40E and 40K of said Chapter 7 shall not apply to this transfer.

SECTION 25. No deed of conveyance by, or on behalf of the commonwealth of the property described in section 4 shall be valid unless such deed provides that such property shall be used solely for the purposes described therein. Prior to the execution of a deed, the Massachusetts Bay Transportation Authority shall file with the commissioner of capital asset management and maintenance a written abrogation of deed restrictions executed by an authorized representative of the United States. In the event the parcels conveyed pursuant to section 4 above are not used for mass transportation purposes within 5 years of the effective date of this act, or if the Massachusetts Bay Transportation Authority ceases to utilize such parcels for mass transportation or roadway purposes at any time thereafter, title to such parcels shall revert to the commonwealth upon such terms and conditions as the commissioner of capital asset management and maintenance may determine.

SECTION 26. In consideration of the conveyance authorized by section 24, the Massachusetts Bay Transportation Authority shall plan, design and construct a recreational bicycle trail from its proposed commuter station at state route 3A in the town of Cohasset into Wompatuck state park, approximately 7,000 linear feet, provided, however that such bicycle trail shall only be designed and constructed if the authority proceeds with the construction of the Greenbush commuter rail project. The trail construction shall take place concurrent with the construction of the commuter rail facility. In addition, in the event such commuter rail facility is constructed, the Massachusetts Bay Transportation Authority shall convey to the commonwealth, under the care and control of the department of environmental management or, at the department of environmental management's option, to some or all of the respective towns, by deed approved as to form and content by the commissioner of capital asset management and maintenance, the railroad right of way known as the West Hanover Secondary and located in the towns of Abington, Rockland and Hanover, containing approximately 3.4 miles of right of way between Monroe street, Abington and mile post 3.49 (STA 192+00) in Hanover as shown on the railroad valuation plans nos. 5.22/1 through 5.22/4, which right of way shall be held by the commonwealth or the respective towns, as applicable, for conservation and recreation purposes.

SECTION 27. In accordance with the authorization set forth in sections 22 to 30 and in section 47 of chapter 33 of the acts of 1991, the Massachusetts Bay Transportation Authority may acquire, by deed, eminent domain, or otherwise, and thereafter may use, the former railroad right of way extending from Braintree to the Greenbush area of Scituate, and certain properties adjacent to such right of way for mass transportation and roadway purposes, including, without limitation, the properties referenced in section 24 and said section 47 of said chapter 33, and the following properties, some or all of which may be presently used for open space or recreation purposes: a certain parcel of land presently owned by the town of Scituate improved with tennis courts and located on Henry Turner Bailey road in North Scituate; the entire length of the right of way located within the towns of Cohasset and Scituate; certain conservation land along Herring Brook in Weymouth which may be required for the construction of East Weymouth station; a portion of Home Meadows, so-called, in Hingham which is required for a connector road; and a portion of Elms Meadow, so-called, in Cohasset which is required for the widening of Spring street.

SECTION 28. The Massachusetts Bay Transportation Authority shall assume the costs of any appraisals, surveys or other expenses related to the conveyances authorized in sections 23, 24, 26 and 27.

SECTION 29. The commissioner of the division of capital asset management and maintenance shall, 30 days prior to the execution of any agreement or deed authorized by section 26, or any subsequent amendment thereof, submit the agreement or deed, or amendment, and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt. The commissioner of capital asset management and maintenance shall submit the agreement, or deed, or any subsequent amendments thereof, the report, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days prior to the execution of same.

SECTION 30. Notwithstanding chapter 160 of the General Laws or any other general or special law, rule or regulation to the contrary, no railroad corporation, including the Massachusetts Bay Transportation Authority, shall permit any locomotive engine passing over the so called Greenbush right of way extending from the Braintree Wye, so-called, to the Greenbush area of Scituate, in the towns of Braintree, Weymouth, Hingham, Cohasset and Scituate to sound a whistle at any of the grade crossings which has the following safety features: flashing lights in each direction which are caused to be automatically activated by an approaching train; 2 gates, 1 on each side of the crossing, both of which are caused to be automatically lowered by an approaching train and each of which extends across approximately half the width of the approaching lanes of traffic at said



crossing so that the entire width of the lanes of traffic at said crossing is blocked when said gates are lowered; a bell that is caused to be automatically activated by an approaching train; overhead street lights; signs posted before the grade crossing in each direction warning motorists and pedestrians of the crossing ahead; posted speed limits for roadway traffic of not more than 40 miles per hour, and not more than 2 lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding the foregoing, the whistle of a locomotive shall be sounded in the event of an emergency or in accordance with established rules governing the protection of railroad workers.”

The amendment was *rejected*.

Messrs. Havern, Glodis, Lees and Knapik moved to amend the further amendment by adding the following section:—

“SECTION \_\_\_\_\_. Notwithstanding any general or special law to the contrary, the registry of motor vehicles shall retain up to \$2,500,000 of the renewal fees for the purposes of maintaining registry services. The registry shall deposit these funds into a retained revenue account for the purposes of expending these funds.”

The amendment was *rejected*.

Mr. Havern moved to amend the further amendment by adding the following section:—

“SECTION 27. Notwithstanding any general or special law to the contrary, the division of personnel administration shall conduct a classification study of the employees of the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority pursuant to section 45 of chapter 30 of the General Laws, provided, however, that the study shall summarize the various employee classifications, the nature of their duties and responsibilities and the total number of employees in each classification by gender and their respective salaries and shall evaluate whether the salary and benefits for male and female employees in comparable positions who, in the opinion of the personnel administrator, are doing the same type of work with the same preparation and training, are equal. The personnel administrator shall file the report of the study with the house and senate committees on ways and means and the joint committee on public service within 60 days after the effective date of this act. The Steamship Authority shall, within 30 days after the filing of the personnel administrator’s report, file a report with said committees describing actions taken by the Steamship Authority as a result of the study.”

The amendment was adopted.

Mr. Havern moved to amend the further amendment by adding the following 9 sections:—

“SECTION 22. The commissioner of capital asset management and maintenance may, subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, acquire by eminent domain, purchase or otherwise, and/or to transfer the care, custody and control of certain parcels of land, herein described in sections 22 to 30, located in the towns of Billerica and Chelmsford.

SECTION 23. A parcel of land known as Parcel 13-3, owned by the town of Billerica conservation commission. This parcel is located on the easterly side of the state route 3 northbound off-ramp and southerly of Concord road in the town of Billerica and is bounded and described as follows:

Starting along the 1953 state highway layout, Westerly along the 1953 state highway layout for, about 96 feet by a line (N26°30'14"W), Northerly along the 1953 state highway layout by a line of about 234 feet (N28°42'01"E);

Southerly by a line of about 221 feet (S15°56'29"W), and by a curve to the left with a radius of about 578 feet and a length of about 79 feet by land now or formerly of the town of Billerica Conservation Commission.

The parcel contains about 7,714 square feet. The parcel is to be diverted from its present use for conservation purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled ‘Plan of land in the Town of Billerica, Parcel 13-3’, prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 24. A parcel of land known as Parcel 13-12-T owned by the town of Billerica. The parcel is located easterly of Treble Cove road in the town of Billerica adjacent to the on- and off-ramps to Route 3 southbound and is bounded and described as follows:

Starting along the 1959 county layout, Northerly along the 1959 county layout by a curve and a line. The curve is to the left with a radius of about 796 feet and a length of about 92 feet and a line of about 123 feet long (N24°04'28"E);

Easterly along the projection of the common line of the 1959 county layout and the 1953 state highway layout by a line of about 7 feet (N74°42'44"W) by land now or formerly of the town of Billerica; and Southerly by a line of about 174 feet (N26°07'09"E), and by a line of about 43 feet (N31°46'21"E) by land now or formerly of the town of Billerica.

The parcel contains about 667 square feet. This parcel of land is to be diverted from its present use for park purposes to a highway use. This parcel of land, hereinbefore described, is shown on a plan entitled 'Plan of land in the Town of Billerica Parcels 13-12 & 13-12-T', prepared by URS Corporation, dated June 24, 2002. The plan shall be kept on file with the chief engineer of the department of highways.

SECTION 25. A parcel of land known as parcel 13-12 owned by the town of Billerica. This parcel is located easterly of Treble Cove Road in the town of Billerica, north of Parcel 13-12-T, and adjacent to the on- and off-ramps to Route 3 southbound and is bounded and described as follows:

Starting along the 1953 state highway layout, Northerly along the 1953 state highway layout by two lines and a curve, the first line is a line of about 36 feet (N24°04'28"E), the second line is a line of about 230 feet (N15°17'13"E), and the curve is to the right with a radius of about 72 feet and a length of about 79 feet;

Southerly by two curves and a line, the first curve is to the right with a radius of about 2,223 feet and a length of about 172 feet, the second curve is to the right with a radius of about 1,752 feet and a length of about 103 feet, and by a line of about 57 feet (N25°13'48"E); and Westerly by a line of about 7 feet (N74°42'44"W) by land now or formerly of the town of Billerica.

The parcel contains about 7,406 square feet. This parcel is to be diverted from its present use for park purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled 'Plan of land in the Town of Billerica, Parcels 13-12 & 13-12-T', prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 26. A parcel of land known as parcel 15-D-17 owned by the town of Chelmsford Conservation Commission. This parcel is located west of Stony Brook on the southerly side of Route 3 southbound in the town of Chelmsford and is bounded and described as follows:

Starting along the 1958 state highway layout, Northerly along the 1958 state highway layout for about 33 feet by a line (S78°36'36"E);

Easterly, by a line of about 33 feet (S11°23'24"W), Southerly by a line of about 33 feet (S78°36'36"E), and Westerly by a line of about 33 feet (S11°23'24"W) by land now or formerly of the town of Chelmsford Conservation Commission.

The parcel contains about 1,076 square feet. The parcel is to be diverted from its present use for conservation purposes to a highway use. This parcel is shown on a plan entitled 'Plan of land in the Town of Chelmsford, Parcels 15-D-17 & 15-D-18', prepared by URS Corporation, dated June 24, 2002. The plan shall be kept on file with the chief engineer of the departments of highways.

SECTION 27. A parcel of land known as 15-D-18 owned by the town of Chelmsford Conservation Commission. The parcel is located west of Stony Brook, west of Parcel 15-D-17, and on the southerly side of Route 3 Southbound in the town of Chelmsford and is bounded and described as follows:

Starting along the 1958 state highway layout, Northerly along the 1958 state highway layout for about 33 feet by a line (S78°36'36"E);

Easterly, by a line of about 33 feet (S11°23'24"W), Southerly by a line of about 33 feet (S78°36'36"E), and Westerly by a line of about 33 feet (S11°23'24"W) by land now or formerly of the town of Chelmsford Conservation Commission.

Said parcel contains about 1,076 square feet. This parcel is to be diverted from its present use for conservation purposes to a highway use. This parcel of land, hereinbefore described, is shown on a plan entitled 'Plan of land in the Town of Chelmsford, Parcels 15-D-17 & 15-D-18', prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 28. A parcel of land known as Parcel 15-D-16 owned by the Town of Chelmsford. The parcel is located west of the B&M Railroad tracks and east of Moores Canal on the southerly side of Route 3 Southbound in Chelmsford, Massachusetts, and is bounded and described as follows:

Starting along the 1958 State highway layout, Westerly along the 1958 State highway layout for about 45 feet by a line (N78°36'36"W);

Southerly, by a line of about 49 feet (S11°23'24"W), Easterly by a line of about 10 feet (S78°36'36"E) by land now or formerly of the Town of Chelmsford, and Northerly by a line of about 60 feet (N46°32'37"E) by land now or formerly of the B&M Railroad.

Said parcel contains about 1,342 square feet. This parcel is to be diverted from its present use for education purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled 'Plan of land in the Town of Chelmsford,

Parcels 15-D-16', prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the Department of Highways.

SECTION 29. A parcel of land known as Parcel 15-D-19 owned by the North Chelmsford Water District. The parcel is located west of Stony Brook on the northerly side of Route 3 northbound in the town of Chelmsford and is bounded and described as follows:

Starting along the 1958 state highway layout, Easterly along the 1958 state highway layout for about 33 feet by a line (S78°36'36"E);

Northerly, by a line of about 33 feet (S11°23'24"W), Westerly by a line of about 33 feet (S78°36'36"E), and Southerly by a line of about 33 feet (S11°23'24"W) by land now or formerly of the North Chelmsford Water District.

Said parcel contains about 1,076 square feet. This parcel is to be diverted from its present use for water purposes to a highway use. The parcel of land, hereinbefore described, is shown on a plan entitled 'Plan of land in the Town of Chelmsford, Parcels 15-D-17, 18 & 19', prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways.

SECTION 30. A parcel of land known as parcel 13-E-1-T owned by the Commonwealth of Massachusetts under the care, custody and control of the Middlesex Community College. The parcel is located on the southerly side of Manning Road in the town of Billerica at the intersection of Manning Road and Technology Park Drive adjacent to the on-ramp to Route 3, and is bounded and described as follows:

Starting along Manning Road, Westerly along the Billerica town layout for about 85 feet by a line (S24°36'56"W), and then for about 3 feet (S50°49'35"W); northerly along the Billerica town layout by a line of about 67 feet (N61°41'56"E);

Southerly and Westerly by a line of about 137 feet (N32°40'22"E), by a line of about 14 feet (N43°10'04"E); and by a line of about 46 feet (N50°48'57"E); by land now or formerly of the Commonwealth of Massachusetts (Board of Regional Community Colleges). This parcel contains about 4,591 square feet. This parcel is to be diverted from its present use for educational purposes to a highway use. This parcel of land, hereinbefore described, is shown on a plan entitled 'Plan of land in the Town of Billerica, Parcel 13-E-1-T', prepared by URS Corporation, dated June 24, 2002. Said plan shall be kept on file with the chief engineer of the department of highways."

The amendment was *rejected*.

Mr. Havern moved to amend the further amendment in section 2, by inserting after item 8100-9961 the following item:

"8400-0001 For the repair and restoration of the Marlborough Truck Permit Center, so-called, jointly staffed by the Registry of Motor Vehicles and the

Massachusetts Highway Department 218,000";

in section 4, by striking out, in line 6, the figure "401,164,158" and inserting in place thereof the following figure:—"401,382,158".

The amendment was *rejected*.

Mr. Shannon moved to amend the further amendment in section 12, in line 29, by striking out the figure "\$500,000" and inserting in place thereof the following figure:—" \$1,900,000".

The amendment was adopted.

Mr. Shannon moved to amend the further amendment in section 12, by inserting after the word "Road," in line 124, the following words:—" "; and provided further, that not less than \$500,000 shall be expended on the design and construction of a pedestrian underpass under the Mystic Wellington bridge on state highway route 28 in the city of Somerville".

The amendment was adopted.

Mr. Hedlund moved to amend the further amendment in section 12, by inserting after the word "Road", in line 124, the following words:—" "; and provided further, that \$1,625,000 shall be expended for reconstruction of Queen Anne's Corner in the towns of Norwell and Hingham".

The amendment was adopted.

Mr. Morrissey moved to amend the further amendment by adding the following section:—

“SECTION \_\_\_\_ . The Massachusetts Bay Transportation Authority shall convey to the commonwealth, under the care and control of the department of environmental management or, at the department of environmental management’s option, to some or all of the respective towns, by deed approved as to form and content by the commissioner of the division of capital asset management and maintenance, the rail-road right of way known as the West Hanover Secondary and located in the towns of Abington, Rockland and Hanover, containing approximately 3.4 miles of right of way between Monroe street in town of Abington and mile post 3.49 (STA 192++00) in the town of Hanover as shown on the railroad Valuation Plans Nos. 5.22/1 through 5.22/4, which right of way shall be held by the Commonwealth of the respective towns, applicable, for conservation and recreation purposes.”

The amendment was *rejected*.

Mr. Morrissey moved to amend the further amendment in section 2, by inserting after line item 6033-9013 the following item:

“6033-9014 For the department of highways, under section 20, to take by eminent domain on behalf of the commonwealth under chapter 79 of the General Laws certain land located in the city of Quincy as necessary for construction, operation and maintenance of detention ponds for the purpose of alleviating and preventing flooding; provided, that upon completion of construction, the department of highways shall transfer, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, all property acquired, together with improvements constructed thereon to the city of Quincy; and provided further, that the transfer shall include appropriate restrictions to ensure that the property is utilized solely for maintenance of the detention ponds and other conservation pur-

poses consistent with this item 7,000,000”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the further amendment in section 12, by inserting after the word “Road,” in line 124, the following words:— “; provided further, that \$1,500,000 shall be expended for the reconstruction of the interchange at exit 34 on state route 2 in the communities of Leominster and Lancaster”.

The amendment was adopted.

Mr. McGee moved to amend the further amendment in section 12, by inserting after the word “Road,” in line 124, the following words:— “; and provided further, that not less than \$250,000 be expended for the repaving of Paradise road, state route 1A in Swampscott”.

The amendment was adopted.

Mr. McGee moved to amend the further amendment in section 12, by inserting after the word “Road,” in line 124, the following words:— “; and provided further, that \$500,000 shall be expended for the study, review, design and construction of road improvements for Lynnfield street and other state intersections and rotaries in the city of Lynn”.

The amendment was adopted.

Mr. McGee moved to amend the further amendment by adding the following section:—

“SECTION 28. The executive office of transportation and construction shall submit to the joint committee on transportation and the committees on house and senate ways and means not later than January 1, 2003, the findings of the feasibility study conducted to determine the viability of commuter water shuttle service from the city of Lynn and its surrounding coastal sites to the city of Boston.”

The amendment was adopted.

Ms. Chandler moved to amend the further amendment in section 12, by inserting after the word “Boston”, in line 109, the following words:— “; provided further, that \$100,000 shall be expended to study the CSX Corporation’s Worcester-Framingham commuter line to examine possible solutions to the problem of insufficient commuter rail service from Worcester to Framingham, including the possibility of adding a track, adding more switching and signaling equipment, adding commuter rail service during peak hours and addressing the problem of parking commuter trains when not in use”.

The amendment was adopted.

Ms. Chandler moved to amend the further amendment in section 2, in item 6006-9980, by inserting after the words “Martha’s Vineyard Airport;”, in line 41, the following words:— “; provided further, that \$1,000,000 shall be expended for drainage improvements near Worcester Airport;”.

The amendment was adopted.

Ms. Chandler moved to amend the further amendment in section 12, by inserting after the word “Milton;”, in line 93, the following words:— “; provided further, that \$100,000 shall be expended for traffic signalization at state route 12 in the Greendale section of the city of Worcester;”.

The amendment was adopted.

Ms. Chandler moved to amend the further amendment in section 12, by inserting after the word “Natick;”, in line 59, the following words:— “provided further, that \$150,000 shall be expended for the restoration of the North Lake avenue bridge in the city of Worcester;”.

The amendment was adopted.

Ms. Chandler moved to amend the further amendment in section 12, by inserting after the word “Randolph;”, in line 99, the following words:— “provided further, that \$750,000 shall be expended for the resurfacing of Lake avenue in the city of Worcester;”.

The amendment was adopted.

Ms. Chandler moved to amend the further amendment in section 12, by inserting after the word “Needham;”, in line 54, the following words:— “provided further, that \$155,000 shall be expended for public way enhancement in the city of Worcester for Pleasant street from the intersection with Chestnut street to the intersection with Park avenue;”.

The amendment was adopted.

Messrs. Havern and Tolman moved to amend the further amendment inserting after section 7 the following section:—

“SECTION 7A. Item 6034-9605 of section 2A of chapter 205 of the acts of 1996 is hereby amended by striking out the figure ‘\$7,000,000’ and inserting in place thereof the following figure:— \$13,000,000.”

The amendment was adopted.

Messrs. Magnani, Rosenberg and Moore, Ms. Chandler and Ms. Jacques moved to amend further amendment by inserting after section 4 the following 2 sections:—

“SECTION 4A. Chapter 81A of the General Laws is hereby amended by inserting after section 4 the following section:—

Section 4A. The Massachusetts Turnpike Authority shall not allow a sign advertising a gasoline station, restaurant or other services to be erected or maintained on the turnpike that is larger than 80 square feet in area, excluding support, or that is higher than 30 feet from the ground, measured from the highest part of the sign. Signs currently in existence advertising a gasoline station, restaurant or other services erected or maintained on the turnpike which are more than 80 square feet in area, excluding supports, or higher than 30 feet from the ground measured from the highest point of the sign, shall not be illuminated by any artificial means before 6:00 a.m. or after 10:00 p.m.”

“SECTION 4B. A sign which is in place on the turnpike before the effective date of this act which exceeds the dimensions of section 4A of chapter 81A of the General Laws shall be removed on or before January 1, 2004.”

The amendment was *rejected*.

Mr. Magnani, Ms. Jacques, Ms. Resor, Ms. Fargo, Ms. Chandler, Mr. Rosenberg, Ms. Creem and Messrs. McGee and Tolman moved to amend the further amendment adding the following section:—

“SECTION 29. The Massachusetts Turnpike Authority shall provide for the continued operation of the 50 per cent toll discount program for account holders who participate in the authority’s electronic toll collection system, as approved by the board of directors in open meeting on June 28, 2002. The authority shall appropriate the funds necessary to provide the discount on a permanent basis.”

The amendment was adopted.

Mr. Magnani moved to amend the further amendment in section 7, by striking out the words “that receives fixed route bus service”, in line 6, and inserting in place thereof the following words:— “in which the Massachusetts Bay Transportation Authority operates fixed route bus service”.

The amendment was adopted.

Mr. Morrissey moved to amend the further amendment by inserting after section 7A (inserted by amendment) the following section:—

“SECTION 7B. Item 6005-9580 of section 2H of chapter 102 of the acts of 1994, as amended by section 37 of chapter 11 of the Acts of 1997, is hereby further amended by striking out the figure ‘\$22,000,000’ and inserting in place thereof the following figure: — \$52,000,000.”

The amendment was adopted.

Ms. Fargo, Messrs. Morrissey, McGee and Hedlund, Ms. Chandler and Mr. Joyce moved to amend the further amendment by inserting after section 7, the following section:—

“SECTION 7A. Chapter 465 of the Acts of 1956 is hereby amended by adding the following section:—

Section 36. (a) There shall be an advisory board to the authority consisting of a voting representative of each of the following cities and towns: Bedford, Braintree, Brookline, Cambridge, Chelsea, Cohasset, Concord, Everett, Hingham, Hull, Lexington, Lincoln, Lynn, Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville, Weymouth, Winthrop and Worcester; provided further, that the city of Boston shall have 5 voting representatives, 1 of whom shall be a resident of the Beacon Hill or South End sections of the city of Boston, 1 of whom shall be a resident of the East Boston section of the city of Boston, one of whom shall be a resident of the Dorchester or Roxbury sections of the city of Boston, 1 of whom shall be a resident of the Charlestown or South Boston sections of the city of Boston, one of whom shall be a resident of the Roslindale, Jamaica Plain or Hyde Park sections of the city of Boston. The members of the advisory board shall consist of the chief executive officer thereof; provided however, that any chief executive officer, by writing filed with the authority, may appoint a permanent designee to serve in his stead as a member of said advisory board until the expiration of each term of office of the designating chief executive officer or the earlier vacancy of the office of the designating chief executive officer; provided farther, that if the chief executive officer of the city of Boston opts to serve as the representative for the city of Boston to the advisory board, he shall be deemed to represent the forgoing sections of the city of Boston; provided further that a permanent designee shall be versed in at least 1 of the following 3 disciplines: environmental affairs, community/ airport relations or public health. For the purpose of this section, the term ‘chief executive officer’ shall mean the person designated as the chief executive officer under the provisions of a local charter or laws having the force of a charter, and otherwise the mayor in every city and the chairman of the board of selectmen or president of the town council, as the case may be, in every town.

(b) Accept as otherwise proscribed in this section, each voting representative shall cast 1 vote on the advisory board. Each voting representative of the several sections of the city of Boston as listed in paragraph (a) shall cast 1 vote. Wherein the chief executive officer of the city of Boston shall opt to serve as the representative to the advisory board for the city of Boston, he shall cast 5 votes.

(c) The advisory board may act at a regular periodic meeting called in accordance with its by-laws or at a special meeting called by the authority or if a majority of the cities, towns and sections of the city of Boston referred to in paragraph (a) choose to do so. For the purposes of the forgoing provision, each city, town and section of the city of Boston referred to in paragraph (a) shall count as 1. Except as specially provided in paragraph (f), a quorum of the advisory board shall consist of a simple majority of voting members present, and the advisory board may act, except as otherwise provided in paragraph (f), by affirmative casting of a majority of the votes represented in the quorum. The advisory board shall be deemed to be a governing body for the purposes of, and shall be subject to section 11A 1/2 of chapter 30A of the General Laws.

(d) For the conduct of its business the advisory board shall adopt and may revise and amend by-laws. The advisory board shall annually elect a chairperson, a vice-chairperson, a secretary and such officers as said advisory board might determine. Each officer may be removed by a 2/3 vote of the advisory board without cause. In the event of a vacancy, the board shall fill the vacancy for the unexpired term. Each member of the advisory board shall serve without compensation but may be reimbursed, as an expense of said advisory board, for all reasonable expenses incurred in the performance of his duties as approved by the advisory board.

(e) The purposes of the advisory board shall be as follows:

(i) to appoint 1 member of the board of directors of the authority, as provided for in section 2 of this chapter, as amended by section 2 of this act, and in the manner prescribed in paragraph (f) of this section;

(ii) to make recommendations to the authority on annual current expense expenditure budgets submitted to the advisory board under paragraph (j);

(iii) to hold hearings, which may be held jointly with the authority at the discretion of the advisory board and said authority, on matters relating to said authority;

(iv) to review the annual report of the authority and to prepare comments thereon to the authority and the governor, and to make such examinations of the reports on the authority's records and affairs as the advisory board deems appropriate; and

(vi) to make recommendations to the governor and the General Court respecting the authority and its programs. The advisory board shall have all powers necessary or convenient to carry out and effectuate the foregoing purposes.

(f) One member of the board of directors shall be appointed by the advisory board in accordance with section 2 of this chapter, as amended by section 2 of this Act. The member of the board of directors so appointed may also be a member of the advisory board. The advisory board shall appoint successor members, who shall replace that member of the board of directors appointed by the advisory board whose term has expired or otherwise terminated. With respect to appointment of any member of the board of directors the advisory board shall act only if a special quorum is present consisting of 2/3 of voting members, and then only by an affirmative vote of 2/3 of the voting members.

(g) Within 30 days of receiving any proposed current expense budget of the authority or within 15 days of receiving any proposed amended expense budget of the authority, the advisory board shall hold a public hearing on matters relating to said budget for the purpose of ascertaining, for subsequent report to the authority if necessary, the views of the public thereon.

(h) The advisory board shall provide for the appointment of an ombudsman who, with the assistance from such staff and consultants as the advisory board may authorize and appoint, shall act for and in the name of the advisory board in the following respects:

(i) preparation of analysis for the advisory board of the authority's current expense budgets, capital expenditure budgets and capital programs and their effect on the charges of said authority;

(ii) representation of the advisory board to said authority on all matters pertaining to said authority's programs, operations, finances and charges;

(iii) reporting regularly to the advisory board on the activities of the ombudsman and other staff of the advisory board, on the affairs of the Authority, and on the effect of the authority's program and operations on residents of neighboring communities.

(iv) exercising such other duties and responsibilities consistent with the powers of the advisory board as the advisory board may assign from time to time.

(i) The advisory board may incur annual expenses, not to exceed \$150,000 for expenses authorized under paragraph (c) and for personnel and office expenses. The annual expenses shall be paid by the authority.

(j) The authority shall provide any information, including but not limited to annual current expense expenditure budgets and capital expenditure reports, requested by the advisory board which are necessary for the discharge of its duties."

The amendment was *rejected*.

Ms. Fargo moved to amend the further amendment in section 12, by inserting after the word "Road", in line 124, the following words:—"provided further, that an amount not less than \$150,000 shall be expended for the relocation of Assabet avenue in the town of Concord".

The amendment was adopted.

Ms. Fargo moved to amend the further amendment by inserting after section 13, the following section:—

"SECTION 13A. Said item 6603-9917 of said section 2B of said chapter 235 is hereby further amended by striking out, in line 99, the words 'an amount not to exceed'."

The amendment was adopted.

Ms. Fargo moved to amend the further amendment in section 12, by inserting after the word "Road", in line 124, the following words:—"provided further, that \$1,000,000 shall be expended for the construction of a sound barrier along Route 3 in the towns of Bedford and Chelmsford".

The amendment was adopted.

Mr. Fargo and Mr. Tolman moved to amend the further amendment in section 12, by inserting after the word "Road", in line 124, the following words:—"provided further, that not less than \$627,000 shall be expended for intersection improvements on Forest street at Trapelo road and that not less than \$520,000 shall be expended for intersection improvements on Beaver street at Forest street in the city of Waltham".

The amendment was adopted.

Ms. Fargo and Mr. Tolman moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following:— “provided further, that \$480,000 shall be expended for intersection improvements on Lincoln street at Wyman street and Smith street in the city of Waltham”.

The amendment was adopted.

Ms. Fargo moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that not less than \$360,000 shall be expended to assist the town of Weston in the purchase of a parcel of land adjacent to the Kendall Green Commuter Rail Station known as Map 19, Block 71 for the construction of an overflow commuter parking lot”.

The amendment was *rejected*.

Ms. Fargo moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that \$350,000 shall be expended on a study of a regional parking facility in the town of Lexington to encourage greater use of local and regional public transport”.

The amendment was adopted.

Ms. Fargo moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that not less than \$75,000 shall be expended for the Route 128 Regional Planning Project, so called”.

The amendment was adopted.

Mr. O’Leary moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that not less than \$1,000,000 is hereby authorized for planning and construction of a Stellwegen Visitors Center and marine Terminal in the town of Provincetown”.

The amendment was *rejected*.

Mr. O’Leary moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “provided further, that not less than \$1,500,000 is hereby authorized for planning and construction of a mini-intermodal center on the Lower Cape; and provided further that not less than \$1,500,000 is hereby authorized for planning and construction of a mini-intermodal center on the Upper Cape”.

The amendment was adopted.

Mr. O’Leary moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that not less than \$250,000 shall be expended for a project to engineer and place a street light at the intersection of Route 28 and South County road in Marstons Mills”.

The amendment was adopted.

Mr. O’Leary moved to amend the further amendment in section 12, by inserting after the word “Road”, in line 124, the following words:— “; and provided further, that not less than \$250,000 is hereby authorized for a project to engineer and place a street light at the intersection of state Route 28 and state Route 149 in Marstons Mills”.

The amendment was adopted.

Mr. O’Leary moved to amend the further amendment in section 12, by inserting the word “Road”, in line 124, the following words:— “; and provided further, that not less than \$700,000 is hereby authorized for the reconfiguration of the horizontal design, including extension of the on-ramp, at the intersection of Route 6 and Route 149 in Barnstable”.

The amendment was adopted.

Messrs. Pacheco, Joyce and Creedon moved to amend the further amendment, in section 17, in subsection 9, by inserting after figure “1999” the following words:— “provided further, the Massachusetts Bay Transportation Authority shall develop a proposed mitigation plan to maintain the same per cent valuation of the average property value of like properties in the municipalities of Stoughton, Easton, Taunton and Raynham for property owners in said municipalities whose properties abuts the commuter rail line extension to New Bedford and Fall River and is taken for such purpose or is not taken but is adversely affected by the commuter rail line extension and shall submit the plan within 90 days after the effective date of this act to the house and senate committees on ways and means and the joint committee on transportation”.



The amendment was adopted.

Mr. Magnani, Ms. Chandler, Ms. Resor, Ms. Creem, Ms. Fargo, Messrs. Tolman and McGee and Ms. Jacques moved to amend the further amendment by adding the following section:—

“SECTION 30. There is hereby established an advisory committee consisting of 6 persons to be appointed by the governor, 4 persons appointed by the president of the senate with at least 1 such person to be a member of the minority party, 4 persons appointed by the speaker of the house of representatives, with at least 1 such person to be a member of the minority party, 1 person appointed by the chief executive officer of Massachusetts Turnpike Authority and 1 person appointed by the chief executive officer of the Massachusetts Port Authority for the purpose of studying and making recommendations relative to future proposals and actions to finance the obligations of the Massachusetts Turnpike Authority, the metropolitan highway system, the Massachusetts Port Authority and the Central Artery/Third Harbor Tunnel Project.

The study shall examine the equity of the funding structure with regard to financing the obligations of the Massachusetts Turnpike Authority, the Metropolitan highway system, the Massachusetts Port Authority and the Central Artery/Third Harbor Tunnel Project and shall include, but not be limited to an examination of the following: (1) the fairness of the proposed toll structure for private passenger vehicles using interstate highway route 90 relative to private passenger vehicles using the other highways of the commonwealth and to benefit from the intended use of the Central Artery/Third Harbor Tunnel Project; (2) the effect and practicality of instituting tolls on the commonwealth’s border with neighboring states, including on the commonwealth’s border with the state of New Hampshire on the interstate highway routes 93 and 95 and state highway route 3; (3) the effect of providing for a more uniform and consistent toll structure on highways throughout the commonwealth, including the effect of instituting tolls on that portion of the metropolitan highway system, as defined in chapter 81A of the General Laws, presently consisting of interstate highway route 93; (4) the effect of reinstituting tolls on the Boston Extension at the interchange of interstate highway routes 90 and 93 and on the turnpike from exit 1 at the commonwealth’s border with the state of New York to, but excluding, exit 6, at the interchange of interstate highway Route 90 and interstate highway route 291; (5) the effect of modifying toll discounts or free travel on the turnpike, roadways within the metropolitan highway system and Tobin Bridge including consideration of frequent user and commuter discount; (6) the effect of limiting or eliminating contributions by the Massachusetts Turnpike Authority to the surface artery; (7) the effect of excluding from the metropolitan highway system that portion constituting a section of interstate highway route 93; (8) the effect of transferring to the department of highways such portion of the turnpike extending from the commonwealth’s border with the state of New York to, but excluding, exit 6 at the interchange of interstate highway route 90 and interstate highway route 291; (9) the effect of redefining the metropolitan highway system to include such portion of the turnpike extending from the interchange of interstate highway route 90 to and excluding the interchange of interstate highway route 90 and interstate highway route 495; (10) funding sources for the department of highways to meet the expenses of operating such portion of interstate highway route and other highway transferred to the department of highways from the Massachusetts Turnpike Authority; (11) the effect of providing a tax credit to Massachusetts residents purchasing transponders for use on the Massachusetts turnpike or the metropolitan highway system; (12) the effect of permitting turnpike revenues in excess of those needed to pay operating expenses and debt service on bonds supported by turnpike revenues available to be pledged and pay debt service on bonds issued for the metropolitan highway system; (13) the elimination of the Local Tourism Grant Program of the Massachusetts Turnpike Authority; (14) the effect of limiting certain liabilities of the Massachusetts Turnpike Authority, including the extent to which the provisions of chapter 258 of the General Laws should also be applicable to the Massachusetts Turnpike Authority; (15) further cost savings that might be realized by the Massachusetts Turnpike Authority; (16) the effect and practicality of dedication of a portion of the vehicle registration fee under clause 2 of section 33 of chapter 90 of the General Laws and a portion of the fee for a license to operate motor vehicles under clause 21 of said section 33 of said chapter 90 to offset proposed or actual toll increases on interstate highway route 90; and (17) the effect and practicality of dedicating all or a portion of all taxes collected on fuel sold on property owned or leased by the Massachusetts Turnpike Authority to offset the proposed or actual toll increase on interstate highway route 90.

No member of the advisory board shall receive compensation for his services nor shall a member of the advisory committee be reimbursed for travel expenses or actual expenses incurred in carrying out his duties as a member of the advisory committee. The advisory committee shall report to the joint committee on transportation the results of its study, together with its recommendations and drafts of any legislation necessary to carry those recommendations into effect, not later than January 1, 2003. The Massachusetts Turnpike Authority and the Massachusetts Port Authority shall not implement any adjustment in tolls imposed on 2 axle passenger, noncommercial vehicles at least until 90 days after the submission of the report.”

The amendment was adopted.

Messrs. Glodis and Hedlund moved to amend the further amendment by inserting after section 4 the following two sections:—

“SECTION 4A. Section 2 of Chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 2, the word ‘seven’ and inserting in place thereof the following figure:— 9.

SECTION 4B. Said section 2A of said chapter 21, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The commissioner shall request each of the boards of trustees or directors of the Massachusetts Audubon Society, the Massachusetts Chapter of the Sierra Club, and the Trustees of Reservations, to nominate 3 candidates for the seventh member of the board. The commissioner shall also request each of the boards of directors of the Snowmobile Association of Massachusetts, the New England Trail Riders Association, the Massachusetts All Terrain Vehicle Association and the Massachusetts Motorcycle Business Association or their successor organizations, to nominate 3 candidates for the eighth member of the board. The commissioner shall also request the board of directors of the Appalachian Mountain Club to nominate a candidate for the ninth member of the board. From the nominations received from the several boards of such organizations for the seventh member of the board, the commissioner shall select 3 candidates for the seventh member of the board whom he shall recommend to the governor, from the nominations received from the several boards of such organizations for the eighth member of the board, the commissioner shall select 3 candidates for the eighth member of the board whom he shall recommend to the governor, and from the commissioner shall recommend to the governor the candidate nominated by the Board of the Appalachian Mountain Club for the ninth member of the board. The governor shall appoint the seventh and eighth members of the board, respectively, from among the candidates recommended by the commissioner for the seventh and eighth members of the board, respectively, which members shall be appointed without regard to the county membership restrictions outlined above. The governor shall appoint the candidate recommended by the board of the Appalachian Mountain Club and recommended by the commissioner as the ninth member of the board."

The amendment was adopted.

The question on concurring in the House amendment *with a further Senate amendment* [for text, see Senate document numbered 2440, printed as amended] was determined by a call of the yeas and nays, at seventeen minutes past six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

#### **YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian — 36.

#### **NAYS — 0.**

#### **PAIRED.**

#### **YEA.**

Steven A. Baddour (present),

#### **NAY.**

Wilkerson, Dianne — 2.

#### **ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

The yeas and nays having been completed at twenty-three minutes past six o'clock P.M., the Senate concurred in the House amendment, with a further amendment.  
Sent to the House for concurrence in the further amendment.

Paper from the House.

A Bill relative to the implementation of a housing improvement plan in the city of Fall River (House, No. 4971,— on House, No. 4971 and the residue of House Order, No. 5245) [Local approval received on House, No. 4971],— was read.

**There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time, ordered to a third reading, and read a third time.**

**Pending the question on passing the bill to be engrossed, on further motion of the same Senator, the further consideration thereof was postponed until the next session.**

*Communication.*

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE. BOSTON 02133-1053

July 23, 2002.

Mr. Patrick Scanlan  
*Clerk of the Senate*  
State House, Room 335  
Boston, Massachusetts 02133

Dear Mr. Clerk:

As co-chair of the National Conference of State Legislatures' Task Force on Protecting Democracy, I will be in Denver, Colorado from Wednesday, July 24 through Saturday, July 27, 2002 to present and explain the report of the Task Force to the NCSL membership and the media.

The Task Force, comprised of legislators and legislative staff from around the country, will present a series of recommendations regarding state actions to improve homeland security.

Consequently, I will miss the Senate session that will be held on Thursday, July 25, 2002. Any roll calls missed on that date are for the reasons stated in this letter. I ask that this letter be entered in the Senate Journal.

Sincerely,  
Richard T. Moore,  
*State Senator,*  
Worcester and Norfolk District.

**On motion of Mr. Brewer, the above communication was ordered printed in the Senate Journal.**

Paper from the House.

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Rachel A. Joyce, an employee of the trial court (see House No. 4553, 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 5 to 0. The bill was signed by the Acting President and sent to the House for enactment.**

*Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill relative to betterment assessments in the town of Provincetown (House, No. 4147),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Report of a Committee.*

By Mr. McGee, for the committee on Election Laws, on petition, a Bill relative to voting precincts in the city of Revere (Senate, No. 2400) [Local approval received].

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Travaglini, 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. Sent to the House for concurrence.**

*Matters Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill authorizing the town of Hull to lease certain property (House, No. 4224),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Brewster to establish a capital investment fund (House, No. 4828),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The Senate bills

Authorizing the town of Southwick to supply water to certain property located in the city of Westfield (Senate, No. 2370); and

Authorizing the town of Southwick to grant an easement to Carol K. Collins (Senate, No. 2389);

**Were severally read a second time, ordered to a third reading, read a third time and passed to be engrossed. Severally sent to the House for concurrence.**

Ms. Melconian in the Chair, the House bills

Relative to the withdrawal of candidates nominated for elective office in the city of Malden (House, No. 4879); and

Relative to voting precincts for the city of Chicopee (House, No. 5178);

**Were severally read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill granting retirement benefits to the widow and children of Steven F. Greene (House, No. 4625) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

Papers from the House.

*Engrossed Bills.*

The following engrossed bills (the first two 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 Acting President and laid before the Acting Governor for her approbation, to wit:

Facilitating the use of land transfer of development rights (see Senate, No. 1011);

Establishing a municipal police training committee (see Senate, No. 1274, changed and amended);

Relative to sewer by-laws and regulations of the town of Sturbridge (see House, No. 4305);

Relative to the charter of the city of Chelsea (see House, No. 4820); and

Providing for the payment of certain retirement benefits (see House, No. 5072, changed).

*Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill relative to speed limit violations in marked construction zones (House, No. 867),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act increasing the penalties for speed limit violations in marked construction zones.”**

Papers from the House.

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

An engrossed Bill authorizing the Commonwealth to convey certain land in the city of Boston (see House, No. 5083) (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-four minutes past six o'clock P.M., as follows, to wit (yeas 34 — nays 2):

**YEAS.**

Antonioni, Robert A.  
Baddour, Steven A.  
Berry, Frederick E.  
Brewer, Stephen M.  
Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Joyce, Brian A.  
Knapik, Michael R.  
Magnani, David P.  
McGee, Thomas M.

Melconian, Linda J.  
Menard, Joan M.  
Montigny, Mark C.  
Morrissey, Michael W.  
Murray, Therese  
O'Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Resor, Pamela  
Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian — 34.

**NAYS.**

Lees, Brian P.

Nuciforo, Andrea F., Jr. — 2.

**PAIRED.**

**YEA.**

Dianne Wilkerson,

**NAY.**

Stanley C. Rosenberg (present) —  
2.

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at twenty-eight minutes past six 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 Acting Governor for her approbation.**

An engrossed Bill authorizing the town of Plymouth to use certain land for public way purposes (see House, No. 4865) (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 past six o'clock P.M., as follows, to wit (yeas 36 — nays 0):

**YEAS.**

Antonioni, Robert A.  
Baddour, Steven A.  
Berry, Frederick E.

Melconian, Linda J.  
Menard, Joan M.  
Montigny, Mark C.

Brewer, Stephen M.  
Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Magnani, David P.  
McGee, Thomas M.

Morrissey, Michael W.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
O’Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Resor, Pamela  
Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian — 36.

**NAYS — 0.**

**PAIRED.**

**YEA.**

Dianne Wilkerson,

**NAY.**

Stanley C. Rosenberg (present) —  
2.

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at twenty-nine minutes 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 Acting Governor for her approbation.**

An engrossed Bill authorizing the town of Arlington to use a certain parcel of park land for public way purposes (see Senate, No. 2023) (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-nine minutes before seven o’clock P.M., as follows, to wit (yeas 36 — nays 0):

Antonioni, Robert A.  
Baddour, Steven A.  
Berry, Frederick E.  
Brewer, Stephen M.  
Glodis, Guy W.  
Hart, John A., Jr.  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Joyce, Brian A.  
Knapik, Michael R.  
Lees, Brian P.  
Magnani, David P.

**YEAS.**

Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
O’Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Resor, Pamela  
Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.

McGee, Thomas M.	Tisei, Richard R.
Melconian, Linda J.	Tolman, Steven A.
Menard, Joan M.	Travaglini, Robert E.
Montigny, Mark C.	Tucker, Susan C.
Morrissey, Michael W.	Walsh, Marian — 36.

**NAYS — 0.**

**PAIRED.**

**YEA.**

Dianne Wilkerson,

**NAY.**

Stanley C. Rosenberg (present) —2.

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at twenty-five minutes 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 Acting Governor for her approbation.**

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the towns of Becket and Otis in exchange for certain other land located in the town of Otis (see Senate, No. 1590, amended) (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-five minutes before seven o'clock P.M., as follows, to wit (yeas 36 — nays 0):

Antonioni, Robert A.	<b>YEAS.</b>	Chandler, Harriette L.
Baddour, Steven A.		Creedon, Robert S., Jr.
Berry, Frederick E.		Creem, Cynthia Stone
Brewer, Stephen M.		Fargo, Susan C.
Glodis, Guy W.		Murray, Therese
Hart, John A., Jr.		Nuciforo, Andrea F., Jr.
Havern, Robert A.		O'Leary, Robert A.
Hedlund, Robert L.		Pacheco, Marc R.
Jacques, Cheryl A.		Panagiotakos, Steven C.
Joyce, Brian A.		Resor, Pamela
Knapik, Michael R.		Shannon, Charles E.
Lees, Brian P.		Sprague, Jo Ann
Magnani, David P.		Tarr, Bruce E.
McGee, Thomas M.		Tisei, Richard R.
Melconian, Linda J.		Tolman, Steven A.
Menard, Joan M.		Travaglini, Robert E.
Montigny, Mark C.		Tucker, Susan C.
Morrissey, Michael W.		Walsh, Marian — 36.

**NAYS — 0.**

**PAIRED.**

**YEA.**

Dianne Wilkerson,

**NAY.**

Stanley C. Rosenberg (present) —

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at twenty-two minutes 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 Acting Governor for her approbation.**

An engrossed Bill authorizing the town of Wayland to convey certain park land (see House, No. 5059) (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-one minutes before seven o'clock P.M., as follows, to wit (yeas 35 — nays 1):

**YEAS.**

Antonioni, Robert A.	Chandler, Harriette L.
Baddour, Steven A.	Creedon, Robert S., Jr.
Berry, Frederick E.	Creem, Cynthia Stone
Brewer, Stephen M.	Fargo, Susan C.
Glodis, Guy W.	Murray, Therese
Hart, John A., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O'Leary, Robert A.
Hedlund, Robert L.	Pacheco, Marc R.
Jacques, Cheryl A.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Shannon, Charles E.
Lees, Brian P.	Sprague, Jo Ann
Magnani, David P.	Tarr, Bruce E.
McGee, Thomas M.	Tisei, Richard R.
Melconian, Linda J.	Tolman, Steven A.
Menard, Joan M.	Travaglini, Robert E.
Montigny, Mark C.	Tucker, Susan C.
Morrissey, Michael W.	Walsh, Marian — 36.

**NAYS — 0.****PAIRED.****YEA.**

Dianne Wilkerson,

**NAY.**

Stanley C. Rosenberg (present) —  
2.

**ABSENT OR NOT VOTING.**

Moore, Richard T. — 1.

**The yeas and nays having been completed at nineteen minutes 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 Acting Governor for her approbation.**

*Emergency Preamble Adopted.*

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management to convey certain land in the town of Westborough (see House, No. 4844, 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 5 to 1.

**The bill was signed by the Acting President and sent to the House for enactment.**

*Matter Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill providing for disclosure of certain information relating to tobacco products sold in the Commonwealth (Senate, No. 518),— was read a second time, the main question being on ordering it to a third reading.

The pending amendment, previously recommended by the committee on Ways and Means, striking out, in line 27 (as printed), the words “(b) and (c)” and inserting in place thereof the following words “(b), (c) and (d)”,— was considered; and it was adopted.

**After remarks, on motion of Mr. Lees, pending the question on ordering the bill to the third reading, the further consideration thereof was postponed until the next session.**

Paper from the House.

*Engrossed Bill.*

An engrossed Bill validating the action taken at the 2000 annual town meeting of the town of Amherst (see House Bill, printed in House, No. 4890) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Acting Governor for her approbation.**

*Reports of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. O’Leary and Eric Turkington (by vote of the town) for legislation to provide .for a fuel revolving account at Nantucket Memorial Airport [Local approval received].

**Senate Rule 36 was suspended, on motion of Mr. Rosenberg, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and Patricia A. Haddad (by vote of the town) for legislation to authorize the town of Dighton to establish a special fund [Local approval received].

**Senate Rule 36 was suspended, on motion of Mr. Rosenberg, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs. Severally sent to the House for concurrence.**

PaperS from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5284) of Christine E. Canavan and other members of the House relative to weight discrimination;

**Under suspension of Joint Rule 12, to the committee on Commerce and Labor.**

Petition (accompanied by bill, House, No. 5285) of Patricia A. Haddad and Marc R. Pacheco for legislation to authorize the Dighton Water District to impose fees for the employment of outside consultants;

**Under suspension of Joint Rule 12, to the committee on Local Affairs.**

*Order Adopted.*

On motion of Mr. Rosenberg,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Monday next at one o’clock P.M., in full formal session.

On motion of Mr. Lees, at ten minutes before seven o’clock P.M., the Senate adjourned to meet on the following Monday at one o’clock P.M.