

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 17, 2003.

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

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President introduced, seated in the Senate gallery, Meg and Keith Boone and Laura Zide, from Randolph, and Jill Tapper from Belmont. They were the guests of Senator Joyce.

There being no objection, the President introduced, seated in the Senate gallery, a group of students from Girls Inc. of Lynn. The young ladies were observing the session to learn more about the legislative process. They were the guests of Senator McGee.

There being no objection, the Chair (Ms. Walsh) handed the gavel to the Senator from Suffolk and Middlesex, Mr. Tolman, who introduced, seated in the rear of the Chamber, Orla Keegan, an educator from Saint Patrick's Teaching College in Dublin, Ireland. Ms. Keegan teaches all her subjects in Gaelic. She has volunteered her time to evaluate an Irish language exam at the College of Public and Community Service, University of Massachusetts, Boston. She was the guest of Senator Tolman.

Petitions.

Mr. Shannon presented a petition (subject to Joint Rule 12) of Charles E. Shannon, Guy W. Glodis, Steven A. Baddour, Therese Murray and other members of the General Court for legislation relative to insurance rates,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Mr. Morrissey presented a petition (accompanied by bill, Senate, No. 2049) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation to authorize the town of Rockland to issue 10 additional all alcohol licenses to be drunk on the premises [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Government Regulations.**
Sent to the House for concurrence.

Reports of Committees.

By Mr. Nuciforo, for the committee on Banks and Banking, on Senate, Nos. 14 and 16 and House, Nos. 12 and 19, a Bill relative to banks and banking (Senate, No. 2045);

By Mr. Moore, for the committee on Health Care, on petition, a Bill to provide pediatric palliative care to children with life-limiting illnesses in the Commonwealth (Senate, No. 605);

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill authorizing the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 1619);

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to lease a parcel of land in the city of Holyoke under the care and control of the Department of Environmental Management (Senate, No. 1652);

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Fisheries and Wildlife to convey an easement over a certain parcel of land in Bourne (Senate, No. 1679);

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to transfer a certain parcel of conservation/recreation land within the town of Sandwich (Senate, No. 1681);

By the same Senator, for the same committee, on petition, a Bill for the protection of natural resources, authorizing the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to lands of the town of Egremont (Senate, No. 1684);

By the same Senator, for the same committee, on petition, a Bill relative to the Massachusetts Convention Center Authority (Senate, No. 1692);

By the same Senator, for the same committee, on petition, a Bill releasing certain land in Deerfield from the operation of an agricultural preservation restriction (Senate, No. 1698) ;

By the same Senator, for the same committee, on petition, a Bill relative to surcharges on motor vehicle rentals (Senate, No. 1700); and

By the same Senator, for the same committee, on petition, a Bill relative to vehicular rental transaction contracts in the city of Boston (Senate, No. 1709);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Nuciforo, for the committee on Banks and Banking, on petition, a Bill relative to credit union boards of directors. (Senate, No. 13); and

By the same Senator, for the same committee, on petition, a Bill relative to the powers of trust companies (Senate, No. 15),
Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

By Mr. Nuciforo, for the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 17) of Steven C. Panagiotakos for legislation to increase the total borrower liability under the banking laws;
Referred, under Senate Rule 36, to the committee on Steering and Policy.

Communication.

The Clerk read the following communication:

July 16, 2003.

Mr. Patrick F. Scanlan, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Last Thursday, July 10, 2003, due to a brief absence from the building to attend to a matter of significant importance in my Senate District, I missed a number of roll call votes relative to the Governor's vetoes of various items contained within the fiscal year 2004 budget.

Had I been present, I would have voted in the affirmative on all roll call votes relative to overriding the Governor's vetoes, including roll call votes 116 through 123.

I would respectfully request that this letter be published in the Senate Journal as part of the official record for Thursday, July 10, 2003. Thank you in advance for your assistance in this matter.

Sincerely,
Dianne Wilkerson,

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Hedlund) “commemorating the one hundredth anniversary of the Fort Revere Water Tower”;

Resolutions (filed by Mr. McGee) “on the occasion of the one hundred and fiftieth anniversary of the incorporation of the town of Nahant”;

Resolutions (filed by Mr. Moore) “recognizing Marc M. Boutin for his outstanding contributions to the New England Division of the American Cancer Society”;

Resolutions (filed by Mr. Morrissey) “recognizing Captain Ronald X. Conway”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the fiftieth wedding anniversary of Daniel and Agnes Faria”;

Resolutions (filed by Mr. Pacheco) “honoring coach Larry Falloni”; and

Resolutions (filed by Mr. Tisei) “congratulating Eugene Nigro on receiving the Cultural Recognition Award from the Reading Cultural Council.”

Papers from the House.

Emergency Preamble Adopted.

An engrossed Bill relative to quality health care (see House, No. 3952, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.

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

A Bill relative to the use of park land in the town of Swampscott for school purposes (printed as Senate, No. 2015,— on petition) [Local approval received],— was read.

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

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4004), which on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 0321-1600 (Massachusetts Legal Assistance Corporation) was considered, as follows:—

“0321-1600 For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that notwithstanding provisions of section 9 of chapter 221A of the General Laws that \$1,190,129 shall be expended for the disability benefits project, \$544,286 shall be expended for the Medicare advocacy project, and \$2,490,993 shall be expended for the battered women’s legal assistance project; provided further, that said corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2004 that shall include, but not be limited to the following: (a) the number of persons said programs assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services by said corporation, by type of case and geographic location; and provided further, that said corporation may contract with any organization for the purpose of providing such representation 7,564,142”.

[The Governor disapproved this item.]

After debate, the question on passing item 0321-1600 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at fourteen minutes past twelve o'clock noon, as follows, to wit (yeas 35 — nays 5) [**Yeas and Nays No. 207**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
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
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
Menard, Joan M.	35.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tisei, Richard R. — 5.
Lees, Brian P.	

The yeas and nays having been completed at seventeen minutes past twelve o'clock noon, item 0321-1600 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 0321-2000 (Mental health legal advisors committee) was considered, as follows:—

“0321-2000 For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E

of chapter 221 of the General Laws 501,085”.

[The Governor disapproved this item.]

After debate, the question on passing item 0321-2000 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nineteen minutes past twelve o'clock noon, as follows, to wit (yeas 36 — nays 4) [**Yeas and Nays No. 208**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese

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
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian 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 —

36.

NAYS.

Hedlund, Robert L.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann— 4.

The yeas and nays having been completed at twenty-two minutes past twelve o’clock noon, item 0321-2000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 0321-2205 (Social Law Library) was considered, as follows:—

“0321-2205 For the expenses of the social law library located in Suffolk county 1,704,671”.

[The Governor disapproved this item.]

After debate, the question on passing item 0321-2205 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-four minutes past twelve o’clock noon, as follows, to wit (yeas 34 — nays 6) [**Yeas and Nays No. 209**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian

Melconian, Linda J. Wilkerson, Dianne —
34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

**The yeas and nays having been completed at twenty-six minutes past twelve o'clock noon, item 0321-2205 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0330-2200 (County courthouse rentals) was considered, as follows:—

“0330-2200 For the rental of county court facilities, in accordance with section 4 of chapter 29A of the General Laws; provided, that all county facilities shall be reimbursed from this item in fiscal year 2004 8,606,082”.

[The Governor reduced this item to \$6,606,082.]

Ms. Walsh in the Chair, after debate, the question on passing item 0330-2200 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes past twelve o'clock noon, as follows, to wit (yeas 34 — nays 6) **[Yeas and Nays No. 210]**:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
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.
Jacques, Cheryl A. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

**The yeas and nays having been completed at twenty-eight minutes before one o'clock P.M., item 0330-2200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 0331-3404 (Suffolk education and community outreach pilot) was considered, as follows:—

“0331-3404 For an education and community outreach pilot program to be administered in the Suffolk superior criminal court 178,902”.

[The Governor disapproved this item.]

After debate, the question on passing item 0331-3404 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-four minutes before one’clock P.M., as follows, to wit (yeas 27 — nays 13) [**Yeas and Nays No. 211**]:

YEAS.

Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Murray, Therese
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
Glodis, Guy W.	Tolman, Steven A.
Hart, John A., Jr.	Travaglini, Robert E.
Havern, Robert A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	27.

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Brewer, Stephen M	Morrissey, Michael W.
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 13.
Moore, Richard T.	

The yeas and nays having been completed at twenty minutes before one o’clock P.M., item 0331-3404 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 0339-1003 (Community corrections administration) was considered, as follows:—

“0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel 3,852,505”.

[The Governor disapproved this item.]

After debate, the question on passing item 0339-1003 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes before one o’clock P.M., as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 212**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.

Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	33.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

The yeas and nays having been completed at thirteen minutes before one o'clock P.M., item 0339-1003 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 0910-0200 (Inspector General administration) was considered, as follows:—

“0910-0200 For the operation of the office of the inspector general 2,201,150”.

[The Governor reduced this item to 725,658.]

After debate, the question on passing item 0910-0200 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eleven minutes before one o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 213**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.

Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne —
33.

Melconian, Linda J.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

The yeas and nays having been completed at eight minutes before one o'clock P.M., item 0910-0200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 1120-4005 (George Fingold Library) was considered, as follows:—

“1120-4005 For the administration of the library; provided, that said library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m 1,184,048”.

[The Governor reduced this item to \$1,049,877.]

After debate, the question on passing item 1120-4005 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at six minutes before one o'clock P.M., as follows, to wit (yeas 34 — nays 5) [**Yeas and Nays No. 214**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
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.
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tolman, Steven A.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tisei, Richard R. — 5.
Lees, Brian P.

The yeas and nays having been completed at four minutes before one o'clock P.M., item 1120-4005 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 1310-1000 (Appellate Tax Board) was considered, as follows:—

“1310-1000 For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and southeastern Massachusetts; and provided further, that the board shall report to the house and senate committees on ways and means on the number of hearings held at each location 1,517,359”.

[The Governor reduced this item to \$1,441,491.]

The question on passing item 1310-1000 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes before one o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 215**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	33.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

The yeas and nays having been completed at one o'clock P.M., item 1310-1000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 1410-0630 (Veterans cemeteries Agawam/Winchendon administration) was considered, as follows:

“1410-0630 For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon 429,908”.

[The Governor reduced this item to \$343,890.]

After remarks, the question on passing item 1410-0630 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at two minutes past one o'clock P.M., as follows, to wit (yeas 36 — nays 4) [**Yeas and Nays No. 216**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.

Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
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.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

36.

NAYS.

Hedlund, Robert L.	Tarr, Bruce E.
Sprague, Jo Ann	Tisei, Richard R. — 4.

The yeas and nays having been completed at four minutes past one o'clock P.M., item 1410-0630 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 2200-0100 (Environmental compliance) was considered, as follows:—

“2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided, that not less than \$75,000 shall be expended for drinking water protection in the town of Paxton; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws. 28,140,275”.

[The Governor reduced this item to \$27,465,275 and struck out the words: “, provided, that not less than \$75,000 shall be expended for drinking water protection in the town of Paxton”.]

The question on passing item 2210-0100 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at six minutes past one o'clock P.M., as follows, to wit (yeas 34 — nays 6) [**Yeas and Nays No. 217**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

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

The yeas and nays having been completed at eight minutes past one o'clock P.M., item 2210-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 2300-0101 (Riverways protection, restoration and public access promotion) was considered, as follows:—

“2300-0101 For a program of riverways protection, restoration and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws 290,293”.

[The Governor disapproved this item.]

After remarks, the question on passing item 2300-0101 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at thirteen minutes past one o'clock P.M., as follows, to wit (yeas 39 — nays 1) [**Yeas and Nays No. 218**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Credon, 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.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tisei, Richard R. — 5.
Lees, Brian P.

The yeas and nays having been completed at a nineteen minutes past one o'clock P.M., item 2310-0200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 2330-0100 (Division of Marine Fisheries) was considered, as follows:—

“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that the Newburyport shellfish purification plant shall generate not less than \$115,000 from purification fees; and provided further, that the department shall increase any existing shellfish rack and digger license fees that have not been modified more recently than fiscal year 1989, and provided further, that the increase shall take effect during fiscal year 2004; provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and Environment; and provided further, that the sum expended for the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations in fiscal year 2004 shall not be reduced from fiscal year 2003 except in proportion to adjustments consistent with the department’s budget adjustment 3,446,500”.

[The Governor reduced this item to \$3,163,900 and struck out the words: “; provided further, that the Newburyport shellfish purification plant shall generate not less than \$115,000 from purification fees; and provided further, that the department shall increase any existing shellfish rack and digger license fees that have not been modified more recently than fiscal year 1989, and provided further, that the increase shall take effect during fiscal year 2004; Provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and Environment; and provided further, that the sum expended for the School for Marine Science and Technology to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations in fiscal year 2004 shall not be reduced from fiscal year 2003 except in proportion to adjustments consistent with the department’s budget adjustment”.]

The question on passing item 2330-0100 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty minutes past one o'clock P.M., as follows, to wit (yeas 36 — nays 4) [Yeas and Nays No. 220]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.	Tarr, Bruce E.
Jacques, Cheryl A.	Tolman, Steven A.

Joyce, Brian A. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
36.

NAYS.

Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tisei, Richard R. — 4.

The yeas and nays having been completed at twenty-two minutes past one o'clock P.M., item 2330-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 2800-0101 (Subdivision of watershed management) was considered, as follows:—

“2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department; provided, that expenses incurred in other division of urban parks and recreation programs and the administration of the department of conservation and recreation to assist in the recovery of watershed administrative costs from the Massachusetts Water Resources Authority in the same manner as occurred between the metropolitan district commission and the Massachusetts Water Resources Authority in fiscal year 2003 may be charged to this item; provided, that no water shall be diverted from the Connecticut river by the said department or the Massachusetts Water Resources Authority; provided further, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that not less than 13 employees shall be assigned to patrol watershed areas; and provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures in the most recent quarter including the amount and a description of what was charged 9,289,702”.

[The Governor struck out the following words: “; provided further, that not less than 13 employees shall be assigned to patrol watershed areas; and provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures in the most recent quarter including the amount and a description of what was charged”.]

After remarks, the question on passing item 2800-0101 (contained in section 2) notwithstanding the disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-three minutes past one o'clock P.M., as follows, to wit (yeas 36 — nays 4) [**Yeas and Nays No. 221**]:

YEAS.

Antonioni, Robert A. Melconian, Linda J.
Baddour, Steven A. Menard, Joan M.
Barrios, Jarrett T. Montigny, Mark C.
Berry, Frederick E. Moore, Richard T.
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. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.

Knapik, Michael R. Tucker, Susan C.
Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne —
36.

NAYS.

Lees, Brian P. Tarr, Bruce E.
Sprague, Jo Ann Tisei, Richard R. — **4.**

The yeas and nays having been completed at twenty-five minutes past one o'clock P.M., item 2800-0101 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 2820-0100 (Division of Urban Parks and Recreation) was considered, as follows:—

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, for the flood control activities of the division, for the purchase of all necessary supplies and related equipment, and for the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than \$247,000 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston 21,128,262”.

[The Governor reduced this item to \$20,881,262 and struck out the words: “; provided further, that not less than \$247,000 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston”.]

After remarks, the question on passing item 2820-0100 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes past one o'clock P.M., as follows, to wit (yeas 34 — nays 6) [**Yeas and Nays No. 222**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
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.
Jacques, Cheryl A. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann

Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

The yeas and nays having been completed at twenty-nine minutes past one o'clock P.M., item 2820-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Recess.

There being no objection, at a half past one o'clock P.M., the President declared a recess subject to the call of the Chair; and at twenty-four minutes past two o'clock P.M., the Senate reassembled, Mr. Havern in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Papers from the House.

Engrossed Bill.

An engrossed Bill relative to quality health care (see House, No. 3952, amended) (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 re-enacted and was signed by the Acting President (Mr. Havern) and again laid before the Governor for his approbation.**

Message from the Governor — Disapproval and Reductions in General Appropriation Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2004 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4004), which on Friday, June 20, 2003, had been laid before the Governor for his approbation,— came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4005) was read; and the Senate proceeded to reconsider several items which had been reduced or disapproved in accordance with the provisions of the Constitution.

Item 4000-0600 (MassHealth long-term care services) was considered, as follows:—

“4000-0600 For health care services provided to medical assistance recipients under the division’s senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$9,240,000 shall be expended for the purposes of a demonstration project known as the ‘community choices’ initiative, so-called; provided further, that under the demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver, so-called, shall be covered for any needed community services, including case management, from among those services available under the waiver or under the Commonwealth’s Title XIX state plan, for the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in the waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that for elders who, pursuant to the aforementioned interagency agreement, have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the division shall establish a funding level that, on a monthly average basis, is equal to fifty percent of the median monthly per capita expenditure made by the division for nursing, facility services as provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community services available to the elders under the state plan, provided further, that the interagency agreement shall be amended to implement the demonstration project and shall describe how the funding level will be made available to meet the costs of needed waiver services or other needed community services available to the elders under the state plan; provided further, that the division shall enter into an agreement with each aging service access point participating in the demonstration, which shall describe a system to be followed by each aging service access point, in accordance with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under the demonstration project shall submit monthly reports to the division of medical assistance and to the executive office of elder affairs on the care provided and the service expenditures made under the 2176 elder care waiver and such other information as specified by the division and the executive office; provided further, that executive office of health and human services shall prepare a report on all relevant costs and savings associated with the demonstration project; and provided further, that the report shall be submitted to the house and senate committees on ways and means by April 1, 2004; provided further, that the division shall expend funds for the purpose of funding base hourly wage increases and related payroll taxes for certified nurses’ aides at nursing facilities, in accordance with 114.2 CMR 6.00 et seq.; provided further, that effective January 1,

2002, such wage increases shall be over and above any previously collectively bargained for wage increases; provided further, that the division shall report to the house and senate committees on ways and means on the increases given at each facility by February, 1, 2004; provided further, that the division shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that not less than \$75,000 shall be made available to reimburse providers of dementia-specific adult day care at the rate paid on January 1, 2003; provided further, that within the amount to be expended in fiscal year 2004 on title XIX home health services, the division shall establish and implement a demonstration project to allow for the use of technology in the provision of home health services; provided further, that said demonstration project shall establish a tiered rate system of reimbursement under the Medicaid program; provided further, that technology shall include the following: information services and devices that make documentation, charting, and staff time more efficient or that encourages and allows for care through alternative settings including but not limited to touch screens, monitors, hand-helds, wipe cards, motion detectors, pagers, telemedicine, medication dispensers, and equipment to monitor vital signs and self-injections, and to observe skin and other conditions; provided further, that said division shall not expend funds related to the demonstration project for services that are not eligible for federal reimbursement under Title XIX of the federal Social Security Act of any related 1115 waiver; and provided further, that the division shall report to the house and senate committees on ways and means not later than December 1, 2003 any cost savings achieved by said project, outcomes measures and patient satisfaction information 1,522,530,000”.

[The Governor reduced this item to \$1,522,455,000 and struck out the words: “; provided further, that not less than \$75,000 shall be made available to reimburse providers of dementia specific adult day care at the rate paid on January 1, 2003”.]

The question on passing item 4000-0600 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes past two o'clock P.M., as follows, to wit (yeas 37 — nays 2) [**Yeas and Nays No. 223**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	37.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann — **2.**

ABSENT OR NOT VOTING.

Pacheco, Marc R. — **1.**

The yeas and nays having been completed at twenty-nine minutes before three o'clock P.M., item 4000-0600 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Subsequently, Mr. Pacheco asked unanimous consent to make a statement; and there being no objection, he addressed the Senate as follows:

MR. PRESIDENT: During the taking of the above yeas and nays vote I was unable to be present in the Senate Chamber. Had I been present when the vote was taken, I would have voted in the affirmative.

Mr. Pacheco then moved that the statement made by him be printed in the Journal of the Senate; and the motion prevailed.

Item 4000-0875 (Cervical/breast cancer benefits) was considered, as follows:—

“4000-0875 For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the division shall seek to obtain federal approval to limit the provision of said benefits to women whose income, as determined by the division, does not exceed 250 per cent of the federal poverty level; provided further, that eligibility for such benefits shall be extended solely for the duration of such cancerous condition; provided further, that prior to the provision of any benefits covered by this item, said division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1503 of section 2D; provided further, that the division shall seek to obtain federal approval for the implementation of a cost sharing system, including co-pays and sliding scale premiums for women whose annual income is between 133 per cent and 250 percent of the federal poverty level; provided further, that funds shall only be expended and such program implemented, subject to federal approval and the availability of federal financial participation; and provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX of the federal Social Security Act shall be credited to the General Fund 2,784,551”.

[The Governor disapproved this section.]

The question on passing item 4000-0875 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes before three o'clock P.M., as follows, to wit (yeas 40 — nays 0) [**Yeas and Nays No. 224**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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 —

40.

NAYS. — 0.

The yeas and nays having been completed at twenty-five minutes before three o'clock P.M., item 4000-0875 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the

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

Item 4110-1000 (Community services for the blind) was considered, as follows:—

“4110-1000 For the community services program; provided, that not less than \$350,000 shall be expended from this item for the deaf-blind community access network; provided further, that not less than \$500,000 shall be expended for the talking information center; provided further, that not less than \$10,000 shall be expended for the Audible Local Ledger of Falmouth; and provided further, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and ,hard of hearing to provide assistance and services to the deaf-blind community through the deaf blind community access network 3,673,070”.

[The Governor reduced this item to \$3,423,070 and struck out the words: “; provided further, that not less than \$500,000 shall be expended for the talking infomation center” and inserted the words: “; provided further, that not less than \$250,000 shall be expended for the talking information center”.]

The question on passing item 4110-1000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-four minutes before three o'clock P.M., as follows, to wit (yeas 38 — nays 2) [**Yeas and Nays No. 225**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

38.

NAYS. — 0.

Lees, Brian P.	Sprague, Jo Ann —
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2.

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., item 4110-1000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 4110-2000 (Turning 22 residential and day community services) was considered, as follows:—

“4110-2000 For the turning 22 program of the commission; provided, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the

commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services 8,000,574”.

[The Governor reduced this item to \$7,850,419.]

After debate, the question on passing item 4110-2000 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes before three o'clock P.M., as follows, to wit (yeas 36 — nays 4) [**Yeas and Nays No. 226**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.	Tarr, Bruce E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

36.

NAYS.

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

4.

The yeas and nays having been completed at nineteen minutes before three o'clock P.M., item 4110-2000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 4120-4000 (Independent living) was considered, as follows:—

“4120-4000 For independent living assistance service; provided, that not more than \$858,000 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts; and provided further, that no less than \$20,000 will be used to assist the Living Independently for Equality, Inc. of Brockton 7,471,512”.

[The Governor reduced this item to \$7,251,512 and struck out the words: “; provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts; and provided further, that no less than \$20,000 will be used to assist the Living Independently for Equality, Inc. of Brockton”.]

After debate, the question on passing item 4120-4000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eighteen minutes before three o'clock P.M., as follows, to wit (yeas 34 — nays 6) [**Yeas and Nays No. 227**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
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Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

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

The yeas and nays having been completed at a quarter before three o'clock P.M., item 4120-4000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 4125-0100 (Commission for the Deaf and Hard of Hearing) was considered, as follows:—

“4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing 4,929,536”.

[The Governor reduced this item to \$4,801,301.]

The question on passing item 4125-0100 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at fourteen minutes before three o'clock P.M., as follows, to wit (yeas 38 — nays 2) [**Yeas and Nays No. 228**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
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. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Travaglini, Robert E.
Lees, Brain P. Tucker, Susan C.
Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne —

38.

NAYS.

Sprague, Jo Ann Tarr, Bruce E.— **2.**

The yeas and nays having been completed at thirteen minutes before three o'clock P.M., item 4125-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 4512-0103 (AIDS program) was considered, as follows:—

“4512-0103 For acquired immune deficiency syndrome services and programs; provided, that state employees previously paid from this line item shall be paid from line item 4510-0099 or from line item 4510-0100 in fiscal year 2004; provided further, that particular attention shall be paid to direct the funding proportionately amongst each of the demographic groups afflicted by HIV/ AIDS; provided further, that funds shall be expended for rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals and nursing homes for persons with acquired immune deficiency syndrome; provided further, that the department may contract for the administration of this program; provided further, that the costs of this administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall not be less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall not be less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June 30, 1991; provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2004 that would fund units in excess of the number of units funded on June 30, 2003; provided further, that \$562,876 shall be expended for a program to mitigate the effects of hepatitis C; provided further, that funds shall be expended to increase public awareness and provide health care provider information; provided further, that awareness efforts shall be presented in multiple languages and in a culturally appropriate manner where applicable; provided further, that hepatitis C prevention, counseling and testing, and case management services shall be integrated into existing substance abuse, HIV/ AIDS and STD service programs; provided further, that funds herein shall supplement, and not supplant, funding for such purposes in item 4580-1000; provided further, that not less than \$150,000 shall be expended for the operation of a program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS; and provided further, that no funds from this item shall be expended for disease research in fiscal year 2004 32,056,975”.

[The Governor reduced this item to \$31,906,975 and struck out the words: “; provided further, that not less than \$150,000 shall be expended for the operation of a program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS”.]

The question on passing item 4512-0103 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twelve minutes before three o'clock P.M., as follows, to wit (yeas 37 — nays 3) [**Yeas and Nays No. 229**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
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.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brain P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	37.

Melconian, Linda J.

NAYS.

Hedlund, Robert L.	Tarr, Bruce E.— 3.
Sprague, Jo Ann	

The yeas and nays having been completed at ten minutes before three o'clock P.M., item 4512-0103 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 4513-1023 (Universal newborn hearing screening program) was considered, as follows:—

“4513-1023 For the costs associated with the implementation of the universal newborn hearing program; provided, that state employee salaries shall not be paid from this item in fiscal year 2004; provided further, that the funds appropriated in this item shall be expended for the notification of and follow through with affected families, primary care providers and early intervention programs upon the department’s receipt of data indicative of potential hearing disorders in newborns 83,060”.

[The Governor disapproved this item.]

The question on passing item 4513-1023 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes before three o'clock P.M., as follows, to wit (yeas 38 — nays 2) [**Yeas and Nays No. 230**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tarr, Bruce E
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brain P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.

McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
38.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann.— **2.**

**The yeas and nays having been completed at eight minutes before three o'clock P.M., item 4513-1023 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 4513-1112 (Prostate cancer education, prevention and treatment program) was considered, as follows:—

“4513-1112 For a prostate cancer screening, education and treatment program; provided, that screening, education and treatment shall have a particular focus on the high rate of prostate cancer among African American males; and provided further, that state employees previously paid from this item shall be paid from item 4510-0099 or item 4510-0100 in fiscal year 2004 1,000,000”.

[The Governor, disapproved this item.]

The question on passing item 4513-1112 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seven minutes before three o'clock P.M., as follows, to wit (yeas 40 — nays 0) **[Yeas and Nays No. 231]:**

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Credon, 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 — 40.

NAYS. — 0.

**The yeas and nays having been completed at six minutes before three o'clock P.M., item 4513-1112 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 4570-1500 (Early breast cancer detection and research) was considered, as follows:—

“4570-1500 For an early breast cancer detection program, mammographies for the uninsured, and a breast cancer detection public awareness program; provided, that state employees previously paid from this line item shall be paid from line item 4510-0099 or from item 4510-0100 in fiscal year 2004 3,029,488”.

[The Governor reduced this item to \$2,993,810.]

After debate, the question on passing item 4570-1500 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at five minutes before three o'clock P.M., as follows, to wit (yeas 39 — nays 1) [**Yeas and Nays No. 232**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	39.

NAYS.

Sprague, Jo Ann — **1.**

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

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

Item 4590-0250 (Smoking prevention expansion) was considered, as follows:—

“4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that state employees previously paid from this line item shall be paid from line item 4510-0099 or from line item 4510-0100 in fiscal year 2004; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; provided further, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that not more than \$250,000 shall be expended for the governors commission on gay and lesbian youth; provided further, that \$200,000 shall be allocated to the Berkshire County Area Health Education Center, Inc. for programs including but not limited to alcohol, drug and tobacco prevention; provided further, that not less than \$12,000,000 shall be expended for school nurses and school-based health centers; and provided further, that not more than \$99,000 shall be expended for the HELP program for black males' health 12,622,966”.

[The Governor reduced this item to \$3,721,456; and struck out the words: “; provided further, that \$200,000 shall be allocated to the Berkshire County Area Health Education Center, Inc. for programs including but not limited to alcohol, drug and tobacco prevention; provided further, that not less than \$12,000,000 shall be expended for school nurses and school-based health centers; and provided further, that not more than \$99,000 shall be expended for the HELP program for black males’ health” and inserted the words: “; provided further, that not less than \$3,397,490 shall be expended for school nurses and school-based health centers”.]

After debate, the question on passing item 4590-0250 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes before three o’clock P.M., as follows, to wit (yeas 39 — nays 1) [**Yeas and Nays No. 233**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	39.

NAYS.

Sprague, Jo Ann — **1.**

Mr. Rosenberg in the Chair, the yeas and nays having been completed at one minute before three o’clock P.M., item 4590-0250 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 4590-0300 (Smoking prevention, cessation and tobacco control) was considered, as follows:—

“4590-0300 For smoking prevention and cessation programs; provided, that state employees previously paid from this line item shall be paid from item 4510-0099 or from line item 4510-0100 in fiscal year 2004 2,535,000”.

[The Governor reduced this item to \$1,700,000.]

The question on passing item 4590-0300 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at one minute before three o’clock P.M., as follows, to wit (yeas 35 — nays 5) [**Yeas and Nays No. 234**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
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Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
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
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
Menard, Joan M.	35.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tisei, Richard R. —
Lees, Brian P.	5.

The yeas and nays having been completed at two minutes past three o'clock P.M., item 4590-0300 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 5911-1000 (Department of Mental Retardation) was considered, as follows:—

“5911-1000 For the administration of the department of mental retardation; provided, that the department shall not charge user fees, so-called, for transportation or community day services; provided further, that the department shall not charge fees for eligibility determination for services provided by said department or for applications of requests for transfer of guardianship, so-called; provided further, that a study commission shall be established to explore the viability of developing a training and/or apprenticeship program for direct care workers, and the impact of such programs on compensation, quality of care and staff retention; provided further, that said commission shall consist of a representative from Department of Mental Retardation, Service Employees International Union, ADDP, MARC, Department of Education, Department of Labor, the House and Senate Chairs of Ways and Means or their designee, and the House and Senate Chairs of the Joint Committee on Human Services and Elderly Affairs or their designee; and provided further, that said commission shall file a report with its findings to the House and Senate Ways and Means Committee and the Joint Committee on Human Services and Elderly Affairs not later than January 1, 2004 12,102,349”.

[The Governor reduced this item to \$11,279,425 and struck out the words: “; provided, that the department shall not charge user fees, so-called, for transportation or community day services; provided further, that the department shall not charge fees for eligibility determination for services provided by said department or for applications of requests for transfer of guardianship, so-called; provided further, that a study commission shall be established to explore the viability of developing a training and/or apprenticeship program for direct care workers, and the impact of such programs on compensation, quality of care and staff retention; provided further, that said commission shall consist of a representative from Department of Mental Retardation, Service Employees International Union, ADDP, MARC, Department of Education, Department of Labor, the House and Senate Chairs of Ways and Means or their designee, and the House and Senate Chairs of the Joint Committee on Human Services and Elderly Affairs or their designee; and provided further, that said commission shall file a report with its findings to the House and Senate Ways and Means Committee and the Joint Committee on Human Services and Elderly Affairs not later than January 1, 2004”.]

The question on passing item 5911-1000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at three minutes past three o'clock P.M., as follows, to wit (yeas 35 — nays 5) [**Yeas and Nays No. 235**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
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
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tisei, Richard R.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
Menard, Joan M.	35.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E. — 5.
Lees, Brian P.	

The yeas and nays having been completed at four minutes past three o'clock P.M., item 5911-1000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 5920-2025 (Community based adult day and work programs) was considered, as follows:—

“5920-2025 For community-based day and work programs for adults and for \$2,720,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2003 pursuant to item 5920-5000 of section 2 of chapter 184 of the acts of 2002; provided further, that not less than \$302,000 shall be expended for the life focus center in the Charlestown section of the city of Boston, including an alternative work program 106,451,278”.

[The Governor reduced this item to \$105,929,308 and struck out the words: “; provided further, that not less than \$302,000 shall be expended for the life focus center in the Charlestown section of the city of Boston, including an alternative work program”.]

The question on passing item 5920-2025 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at five minutes past three o'clock P.M., as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 236**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	33.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. —
	6.

The yeas and nays having been completed at seven minutes past three o'clock P.M., item 5920-2025 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.]

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

Item 7000-9401 (Regional public libraries state aid) was considered, as follows:—

“7000-9401 For state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it deems proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller’s regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to \$1.06 per resident in the commonwealth; provided further, that notwithstanding any general or special law to the contrary, the board of library commissioners may grant waivers, in excess of the waiver limit set forth in the second paragraph of section 19A of said chapter 78, to any library for a period of not more than 1 year; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2004 distribution of funds appropriated herein, the board of library commissioners shall employ population figures used to calculate the fiscal year 2003 distribution 14,980,361”.

[The Governor reduced this item to \$13,931,736; and struck out the words: “; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to \$1.06 per resident in the commonwealth” and inserted the following words: “; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to \$0.93 per resident in the commonwealth”.]

The question on passing item 7000-9401 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at seven minutes past three o'clock P.M., as follows, to wit (yeas 37 — nays 2) [**Yeas and Nays No. 237**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

38.

NAYS.

Lees, Brian P.	Sprague, Jo Ann — 2.
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The yeas and nays having been completed at ten minutes past three o’clock P.M., item 7000-9401 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7000-9402 (Talking book library) was considered, as follows:—

“7000-9402 For the talking book library at the Worcester public library 318,777”.

[The Governor disapproved this item.]

The question on passing item 7000-9402 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eleven minutes past three o’clock P.M., as follows, to wit (yeas 34 — nays 5) [**Yeas and Nays No. 238**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Knapik, Michael R.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.

McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Tisei, Richard R. Tarr, Bruce E. — **5.**
Lees, Brian P.

The yeas and nays having been completed at twelve minutes past three o'clock P.M., item 7000-9402 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7000-9506 (Library telecommunications) was considered, as follows:—

“7000-9506 For the technology and automated resource sharing networks 341,811”.

[The Governor disapproved this item.]

The question on passing item 7000-9506 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at thirteen minutes past three o'clock P.M., as follows, to wit (yeas 36 — nays 3) [**Yeas and Nays No. 239**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
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. Tarr, Bruce E.
Jacques, Cheryl A. Tisei, Richard R.
Joyce, Brian A. Tolman, Steven A.
Knapik, Michael R. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
36.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann — **3.**
Lees, Brian P.

The yeas and nays having been completed at a quarter past three o'clock P.M., item 7000-9506 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7003-0702 (Workforce development one time grants) was considered, as follows:—

“7003-0702 For grants to be administered by the Department of Workforce Development; provided that not less than \$900,000 shall be expended on the Massachusetts Service Alliance; provided further, that not less than \$850,000 be expended for the Massachusetts Manufacturing Extension Partnership; provided further, that not less than \$400,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund and the Southeastern Economic Development Corporation’s microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned or employ income-eligible residents; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the center for women and enterprise; provided further, that not less than \$139,500 shall be expended for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from the transitional aid to families with dependent children program; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than \$100,000 be expended for the Aberjona River plan; provided further, that not less than \$100,000 be expended on the Acre Urban Revitalization project in the city of Lowell; provided further, that not less than \$100,000 shall be expended for minority training in Hampden County; provided further, that not less than \$100,000 shall be expended on the Jackson-Appleton-Middlesex plan, so called, in the city of Lowell; provided further, that not less than \$90,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than \$75,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in Worcester; provided further, that not less than \$75,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$75,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region’s youth and businesses, and said grant shall require a 200 percent match from the private sector; provided further, that not less than \$50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; and provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner 3,974,000

Workforce Training Fund 100.00% ”.

[The Governor reduced this item to \$1,750,000 and struck out the words: “; provided further, that not less than \$400,000 shall be expended on the Commonwealth Corporation; provided further, that not less than \$200,000 shall be expended to the Western Massachusetts Enterprise Fund and the Southeastern Economic Development Corporation’s microenterprise programs as a supplemental match to conduct an entrepreneurial training and technical assistance program for support of emerging high-growth microenterprises that are owned or employ income-eligible residents; provided further, that not less than \$195,000 shall be expended for 3 full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$150,000 shall be expended for the center for women and enterprise; provided further, that not less than \$139,500 shall be expended for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from the transitional aid to families with dependent children program; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program; provided further, that not less than \$105,000 shall be made available to the E-Team Machinist Program in the city of Lynn; provided further, that not less than \$100,000 be expended for the Aberjona River plan; provided further, that not less than \$100,000 be expended on the Acre Urban Revitalization project in the city of Lowell; provided further, that not less than \$100,000 shall be expended for minority training in Hampden County; provided further, that not less than \$100,000 shall be expended on the Jackson-Appleton-Middlesex plan, so called, in the city of Lowell; provided further, that not less than \$90,000 shall be expended for Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; provided further, that not less than \$75,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in Worcester; provided further, that not less than \$75,000 shall be provided to the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$75,000 shall be expended to support the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region’s youth and businesses, and said grant shall require a 200 percent match from the private sector; provided further, that not less than \$50,000 shall be expended for the Allston-Brighton vocational adjustment center for the continued operation of a job training and placement center; and provided further, that not less than \$7,500 shall be provided for the Bonnie Brae camp in the city of Gardner”.]

The question on passing item 7003-0702 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at a quarter past three o’clock P.M., as follows, to wit (yeas 35 — nays 4) [**Yeas and Nays No. 240**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Knapik, Michael R.
Joyce, Brian A.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	35.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Tisei, Richard R.	Tarr, Bruce E. — 4.

The yeas and nays having been completed at seventeen minutes past three o’clock P.M., item 7003-0702 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7004-3036 (Housing services contracts) was considered, as follows:—

“7004-3036 For housing services and counseling; provided, that not less than \$200,000 shall be expended as grants for the operation of 9 regional housing consumer education centers operated by the regional nonprofit housing authorities; provided further, that the grants shall be through a competitive application process pursuant to criteria created by the department; provided further, that the department shall report to the house and senate committees on ways and means not later than February 1, 2004 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that not less than \$141,000 shall be expended for the Just-A-Start Corporation to administer a housing stabilization conflict management services program to prevent homelessness; provided further, that \$80,925 shall be expended for the Central Massachusetts Housing Alliance; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees 421,925”.

[The Governor reduced this item to \$200,000 and struck out the words: “; provided further, that the department shall report to the house and senate committees on ways and means not later than February 1, 2004 on possible savings and efficiencies through consolidation of said services and counseling; provided further, that not less than \$141,000 shall be expended for the Just-A-Start Corporation to administer a housing stabilization conflict management services program to prevent homelessness; provided further, that \$80,925 shall be expended for the Central Massachusetts Housing Alliance”.]

The question on passing item 7004-3036 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eighteen minutes past three o’clock P.M., as follows, to wit (yeas 33 — nays 6) [**Yeas and Nays No. 241**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.

Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	33.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

The yeas and nays having been completed at twenty minutes past three o'clock P.M., item 7004-3036 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7004-4314 (Service coordinators program) was considered, as follows:—

“7004-4314 For the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in said housing 490,401”.

[The Governor disapproved this item.]

The question on passing item 7004-4314 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes past three o'clock P.M., as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 242**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.

Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
32.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — **6.**

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

The yeas and nays having been completed at twenty-three minutes past three o'clock P.M., item 7004-4314 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7006-0066 (DOS item pricing enforcement inspectors) was considered, as follows:—

“7006-0066 For the support of the division of standard’s municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of the division 300,000”.

[The Governor disapproved this item.]

After debate, the question on passing item 7006-0066 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-eight minutes past three o'clock P.M., as follows, to wit (yeas 30 — nays 9) [**Yeas and Nays No. 243**]:

YEAS.

Antonioni, Robert A. Melconian, Linda J.
Baddour, Steven A. Menard, Joan M.
Barrrios, Jarrett T. Montigny, Mark C.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese
Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Rosenberg, Stanley C.
Hart, John A., Jr. Shannon, Charles E.
Havern, Robert A. Tarr, Bruce E.
Hedlund, Robert L. Tolman, Steven A.
Jacques, Cheryl A. Tucker, Susan C.
Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne —
30.

NAYS.

Chandler, Harriette L. O’Leary, Robert A.
Joyce, Brian A. Resor, Pamela
Knapik, Michael R. Sprague, Jo Ann
Lees, Brian P. Tisei, Richard R. — **9.**
Moore, Richard T.

**The yeas and nays having been completed at a half past three o'clock P.M., item 7006-0066 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7007-0515 (Regional economic development projects) was considered, as follows:—

“7007-0515 For economic development grants to be administered by the department of business and technology; provided, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998 550,000”.

[The Governor reduced this item to \$200,000 and struck out the words: “; provided, that not less than \$150,000 be expended on the Cape Cod Regional Incubator Project to be operated by the Cape Cod Chamber of Commerce; provided further, that not less than \$200,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$200,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998” and inserted the words: “; provided further, that not less than \$100,000 shall be expended on the operation of the Massachusetts Fisheries Recovery Commission; and provided further, that not less than \$100,000 shall be expended for a grant to the South Shore Tri-Town Development Corporation established in chapter 301 of the acts of 1998”.]

The question on passing item 7007-0515 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes before four o'clock P.M., as follows, to wit (yeas 35 — nays 4) [**Yeas and Nays No. 244**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Hedlund, Robert L.
Joyce, Brian A.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	35.

NAYS.

Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tisei, Richard R. — 4.

**The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., item 7007-0515 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 7007-0950 (Tourism grants) was considered, as follows:—

“7007-0950 For grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identify each source and use of operating and capital funds; provided further, that the grant shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2004 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; provided further, that notwithstanding any general or special law to the contrary, a grant of not less than \$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in Southeastern Massachusetts including the Southcoast Development Project; provided further, that not less than \$250,000 shall be granted to the Southcoast Development Partnership for the purposes of regional tourism and economic development in Southeastern Massachusetts; provided further, that not less than \$250,000 be expended for the Massachusetts Sports and Entertainment Partnership; provided further, that not less than \$200,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$155,977 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than \$100,000 shall be allocated for the I-495 Technology Corridor Initiative; provided further, that not less than \$95,000 be expended for a grant to the Russian Community Association; provided further, that not less than \$94,531 shall be expended for City Stage; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that \$75,000 shall be expended for the Cape Cod Economic Development Council, Inc.; provided further, that not less than \$75,000 shall be expended for the Old Provincial State House; provided further, that not less than \$75,000 be expended for a technology training program operated by the Cape Cod Technology Council; provided further, that not less than \$50,000 shall be expended for the 25th anniversary of the Caribbean Council; provided further, that not less than \$45,000 shall be expended to perform a cost assessment of an economic development project at South Harbor in the city of Lynn; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist Information Center; provided further, that not less than \$40,000 shall be expended for an economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$37,813 shall be expended for the New Bedford Art Museum; and provided further, that not less than \$25,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce 2,533,321

Tourism Fund 100.00%”.

[The Governor reduced this item to \$250,000 and struck out the words: “; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2004 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston” and “; provided further, that not less than \$250,000 shall be granted to the Southcoast Development Partnership for the purposes of regional tourism and economic development in Southeastern Massachusetts; provided further, that not less than \$250,000 be expended for the Massachusetts Sports and Entertainment Partnership; provided further, that not less than \$200,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$155,977 shall be expended for the International Trade Assistance Center in Fall River, provided further, that not less than \$100,000 shall be expended for the Freedom Trail Foundation; provided further, that not less than \$100,000 shall be allocated for the I-495 Technology Corridor Initiative; provided further, that not less than \$95,000 be expended for a grant to the Russian Community Association; provided further, that not less than \$94,531 shall be expended for City Stage; provided further, that not less than \$75,000 shall be expended for the Waltham Tourist Council; provided further, that \$75,000 shall be expended for the Cape Cod Economic Development Council, Inc.; provided further, that not less than \$75,000 shall be expended for the Old Provincial State House; provided further, that not less than \$75,000 be expended for a technology training program operated by the Cape Cod Technology Council; provided further, that not less than \$50,000 shall be expended for the 25th anniversary of the Caribbean Council; provided further, that not less than \$45,000 shall be expended to perform a cost assessment of an economic development project at South Harbor in the city of Lynn; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Visitors and Tourist information Center; provided further, that not less than \$40,000 shall be expended for an economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$37,813 shall be expended for the New Bedford Art Museum; and provided further, that not less than \$25,000 shall be expended for the economic development project at the Salisbury Chamber of Commerce”.]

The question on passing item 7007-0950 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-seven minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 3) [**Yeas and Nays No. 245**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.

Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Credon, 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.	Tarr, Bruce E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

36.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann — 3.
Tisei, Richard R.	

The yeas and nays having been completed at twenty-five minutes before four o’clock P.M., item 7007-0950 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7061-0008 (Chapter 70 school aid) was considered, as follows:—

“7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to chapters 70 and 76 of the General Laws and section 3; provided further, that \$175,000 of the funds allocated from this item to the city of Lawrence by section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that each school district shall report annually to the department of education on its professional development expenditures, in a manner and form prescribed by the commissioner and consistent with the accountability requirements of the federal No Child Left Behind Act, so-called; and provided further, that the department of education shall report annually to the house and senate committees on ways and means on school districts’ professional development spending 3,108,140,588”.

[The Governor reduced this item to \$3,107,689,540 and reduced the corresponding 7061-0008 chapter 70 amounts in Section 3:

Municipality Chapter 70 Aid

ASHFIELD	64,284
BECKET	55,101
BUCKLAND	-

Municipality Chapter 70 Aid (Con’t.)

CHARLEMONT	45,917
CHESTERFIELD	64,284
DALTON	82,651
HAWLEY	18,367
HINSDALE	64,284
HOLDEN	9,183
MILLVILLE	36,789

PERU	18,367
PLAINFIELD	18,367
RAYNHAM	-
RUTLAND	-
SANDISFIELD	- .]

The question on passing item 7061- 0008 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-four minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 5) [Yeas and Nays No. 246]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Hedlund, Robert L.
Joyce, Brian A.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	34.

NAYS.

Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 5.
Sprague, Jo Ann	

The yeas and nays having been completed at twenty-two minutes before four o'clock P.M., item 7061-0008 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Item 7061-0011 (Education reform funding reserve pothole account) was considered, as follows:—

“7061-0011 For a reserve to (1) meet unanticipated or extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of section three of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to the provisions of section 3 of this act; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet expenses associated with extraordinary increases in enrollment calculated on a percentage basis for such municipalities; (3) to address the effects of reductions in required net school spending in districts; provided further, that preference in the awarding of such funds shall be given to districts which receive twenty percent reductions in fiscal year 2004 Chapter 70 school aid, as defined in section 3, compared to fiscal year 2003 chapter 70 aid, and which, as a result of said reduction, will see a reduction in fiscal year 2004 net school spending; provided further, that the department shall also give preference to districts in which state aid per pupil is low compared to similar municipalities or districts; (4) to assist regional school districts in offsetting unanticipated funding losses

resulting from a member municipality's extraordinary increase or decrease in its minimum required local contribution; provided further, that priority shall be granted to member municipalities of regional, and vocation regional school districts; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2005 7,000,000".

[The Governor disapproved this item.]

The question on passing item 7061-0011 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 4) **[Yeas and Nays No. 247]:**

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
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
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian 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 —

36.

NAYS.

Hedlund, Robert L.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann —

4.

The yeas and nays having been completed at nineteen minutes before four o'clock P.M., item 7061-0011 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7061-0012 (Special education school placement reimbursement) was considered, as follows:—

"7061-0012 For the reimbursement of extraordinary special education costs pursuant to section 5A of chapter 71B of the General Laws; provided, that reimbursements shall be pro-rated such that expenses of this line item do not exceed the amount appropriated herein; provided further, that not more than \$8,750,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this \$8,750,000, not less than \$7,500,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that not less than \$400,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or

physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; provided further, that of that amount, funds may be expended for the purposes of training teachers and students; and provided further, that not more than \$500,000 shall be expended to administrator the reimbursements funded herein 121,600,262”.

[The Governor reduced this item to \$115,100,262 and struck out the following words: “; provided further, that not less than \$400,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; provided further, that of that amount, funds may be expended for the purposes of training teachers and students”.]

After remarks, the question on passing item 7061-0012 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes before four o'clock P.M., as follows, to wit (yeas 40 — nays 0) [**Yeas and Nays No. 248**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Credon, 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 —
	40.

NAYS— 0.

The yeas and nays having been completed at fourteen minutes before four o'clock P.M., item 7061-6012 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7061-0029 (Education reform audits) was considered, as follows:—

“7061-0029 For the office of educational quality and accountability established pursuant to section 55A of chapter 15 of the General Laws; provided, that not less than \$200,000 shall be expended for the Donahue Institute at the University of Massachusetts for analysis of special education approaches that increase knowledge of the operational dynamics and educational needs of urban schools and their students 2,601,971”.

[The Governor reduced this item to \$2,401,971 and struck out the words: “; provided, that not less than \$200,000 shall be expended for the Donahue Institute at the University of Massachusetts for analysis of special education approaches that increase knowledge of the operational dynamics and educational needs of urban schools and their students”.]

The question on passing item 7061-0029 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at thirteen minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 6) [**Yeas and Nays No. 249**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	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.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

Creedon, Robert S., Jr.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. —

6.

The yeas and nays having been completed at eleven minutes before four o'clock P.M., item 7061-0029 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7112-0100 (Framingham State College) was considered, as follows:—

“7112-0100 For Framingham State College; provided, that not less than \$160,000 shall be expended for the regional economic research center; provided further, that funds may be expended for the operation of the commonwealths' global education centers 18,314,192”.

[The Governor reduced this item to \$18,154,192 and struck out the words: “; provided, that not less than \$160,000 shall be expended for the regional economic research center”.]

The question on passing item 7112-0100 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at ten minutes before four o'clock P.M., as follows, to wit (yeas 34 — nays 6) [**Yeas and Nays No. 250**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

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

6.

The yeas and nays having been completed at eight minutes before four o’clock P.M., item 7112-0100 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 7504-0101 (Environmental technology education partnership), was considered, as follows:—

“7504-0101 For the operation of an environmental technology, education, and job training partnership through the Cape Cod Community College; provided, that the college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that the initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by the college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth shall participate in the testing and evaluation of innovative technologies 94,395”.

[The Governor disapproved this item.]

After debate, the question on passing item 7504-0101 (contained in section 2) notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at two minutes before four o’clock P.M., as follows, to wit (yeas 34 — nays 5) **[Yeas and Nays No. 251]:**

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Hedlund, Robert L.
Joyce, Brian A.	Tolman, Steven A.

Tarr, Bruce E. Tucker, Susan C.
Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne —
34.

Melconian, Linda J.

NAYS.

Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 5.
Sprague, Jo Ann

**The yeas and nays having been completed at one minute past four o'clock P.M., item 6504-0101 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.
The matter was sent to the Secretary of the Commonwealth endorsed accordingly.**

Item 8100-0000 (State Police) was considered, as follows:—

“8100-0000 For the administration and operation of the department of state police, including the payment of charges assessed to the department of state police for the costs of worker’s compensation, unemployment insurance, medicare taxes, medical security plan, and the group insurance commission extended leave chargeback; provided, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of the commission; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; provided further, that the department shall enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of environmental affairs department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, that division; provided further, that not less than \$2,328,946 shall be expended for the payroll costs of the state police directed patrols; and provided further, that any community that was selected to receive earmarked funds in fiscal year 2003 shall receive 100 per cent of the amount so earmarked in fiscal year 2004, of which \$100,000 of the \$365,000 previously earmarked in chapter 184 of the acts of 2002 for the Zero Tolerance Program shall be expended for patrolling the area of the Mystic River Reservation that lies between Sandy Beach in Winchester and Dugger park in West Medford commonly known as Whiskey Flats; and provided further, that the department may expend funds appropriated herein for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the criminal justice training council, so-called, and the criminal history systems board 195,721,900

Highway Fund 88.20%
General Fund 11.80%”.

[The Governor reduced this item to \$193,392,954 and struck out the words: “; provided further, that not less than \$2,328,946 shall be expended for the payroll costs of the state police directed patrols; and provided further, that any community that was selected to receive earmarked funds in fiscal year 2003 shall receive 100 per cent of the amount so earmarked in fiscal year 2004, of which \$100,000 of the \$365,000 previously earmarked in chapter 184 of the acts of 2002 for the Zero Tolerance Program shall be expended for patrolling the area of the Mystic River Reservation that lies between Sandy Beach in Winchester and Dugger park in West Medford commonly known as Whiskey Flats”.]

The question on passing item 8100-0000 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at two minutes past four o'clock P.M., as follows, to wit (yeas 34 — nays 5) [**Yeas and Nays No. 252**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
Berry, Frederick E. Morrissey, Michael W.
Brewer, Stephen M. Murray, Therese

Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Credon, 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.
Jacques, Cheryl A.	Hedlund, Robert L.
Joyce, Brian A.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	34.

NAYS.

Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 5.
Sprague, Jo Ann	

The yeas and nays having been completed at four minutes past four o’clock P.M., item 8100-0000 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 8200-0200 (Criminal Justice Training Council) was considered, as follows:—

“8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the Massachusetts criminal justice training council; provided, that the council shall expend not less than \$250,000 in accordance with chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: a) a combination of training manuals, seminars, computer based training and distance learning; b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; c) training presentations during and following monthly meetings of policy chiefs; d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar topics; e) a state-wide three-day training conference on management, legal and leadership issues; provided further, that the executive director of the council shall submit a report not later than January 1, 2004 to the house and senate committees on ways and means on police chief training offered by said council that shall include, but not be limited to, the ongoing need for specialized training of chiefs of police, the identification of the estimated cost of providing such training to said chiefs of police, a detailed breakdown of all expenditures related to chief of police training by date, event, publication, amount expended and number of chiefs of police benefiting from said training, and that the breakdown shall be made for fiscal years 2001, 2002, 2003 and the first quarter of fiscal year 2004; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; provided further, that the executive director of said council shall submit a report not later than January 1, 2004 to the house and senate committees on ways and means on cost-savings initiatives, including, but not limited to, the relocation of training sites and the feasibility of conducting officer training in armories owned by the Massachusetts military division; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth’s obligation for the purpose of this item to exceed the amount appropriated in this item 2,496,050”.

[The Governor reduced this item to \$2,246,050; and struck out the words: “; provided, that the council shall expend not less than \$250,000 in accordance with chapter 308 of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: a) a combination of training manuals, seminars, computer based training and distance learning; b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; c) training presentations during and following monthly meetings of policy chiefs; d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar. topics; e) a state-wide three-day training conference on management, legal and leadership issues; provided further, that the executive director of the council shall submit a report not later than January 1, 2004 to the house and senate committees on ways and means on police chief training offered by said council that shall include, but not be limited to, the ongoing need for specialized training of chiefs of police, the identification of the estimated cost of providing such training to said chiefs of police, a detailed breakdown of all expenditures related to chief of police training by date, event, publication, amount expended and number of chiefs of police benefiting from said training, and that the breakdown shall be made for fiscal years 2001, 2002, 2003 and the first quarter of fiscal year 2004”.]

The question on passing item 8200-0200 (contained in section 2) notwithstanding the reduction and disapproval, in part, of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at five minutes past four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 253**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	39.

NAYS— 0.

The yeas and nays having been completed at eight minutes past four o'clock P.M., item 8200-0200 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 9110-1660 (Congregate housing) was considered, as follows:—

“9110-1660 For congregate and shared housing services for the elderly; provided, that not less than \$50,000 shall be expended for congregate housing services at the Tuttle House facility in Dorchester; provided further, that not less than \$100,000 shall be allocated to the Committee to End Elder Homelessness, Inc; and provided further, that not less than \$40,100 shall be allocated to North Shore Elder Services 1,309,680”.

[The Governor reduced this item to \$215,100.]

The question on passing item 9110-1660 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at nine minutes past four o'clock P.M., as follows, to wit (yeas 38 — nays 1) [**Yeas and Nays No. 254**]:

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
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.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

38.

NAYS.

Sprague, Jo Ann — **1.**

The yeas and nays having been completed at eleven minutes past four o'clock P.M., item 9110-1660 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Item 9110-1633 (Home care program administration) was considered, as follows:—

“9110-1633 For contracts with aging service access points, so-called, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs; provided further, that no funds appropriated in this item shall be expended for the enhancement of management information systems; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1630 34,941,978”.

[The Governor reduced this item to \$33,942,151.]

The question on passing item 9110-1633 (contained in section 2) notwithstanding the reduction of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twelve minutes past four o'clock P.M., as follows, to wit (yeas 37 — nays 1) **[Yeas and Nays No. 255]:**

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
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.	Tarr, Bruce E.

Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Tucker, Susan C.
Magnani, David P. Walsh, Marian— 37.
McGee, Thomas M.

NAYS.

Sprague, Jo Ann — 1.

ABSENT OR NOT VOTING.

Wilkerson, Dianne — 1.

The yeas and nays having been completed at fourteen minutes past four o'clock P.M., item 9110-1633 (contained in section 2) stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 571 (Department of Workforce Development) was considered, as follows:—

“SECTION 571. The General Laws are hereby amended by inserting after chapter 23G the following chapter:—

Chapter 23H.

Workforce Development.

Section 1. (a) Within the executive office of economic development, there shall be a department of workforce development, in this chapter called the department.

(b) The mission of the department shall be to develop, coordinate, and maintain a coherent workforce development system that fills the needs of employers for a skilled workforce and promotes lifelong learning among employees. The department shall cooperate with all federal, state, and local agencies active in the field of workforce development to achieve this goal.

(c) Subject to appropriation, the department shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for other necessary expenses of said department. Said department may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the departments in the discharge of their duties.

Section 2. (a) The director shall be the executive and administrative head of the department. Except as otherwise provided, he shall be responsible for the administration and enforcement of all laws, rules and regulations for which it is the duty of the department to administer and enforce.

(b) The director shall be appointed by the governor for a term coterminous with the governor and shall not be subject to chapter 31 or section 9A of chapter 30. Upon expiration of the term of office of the director or in the event of a vacancy, a successor shall be appointed by the governor for a term coterminous with the governor. The director shall devote his full time during business hours to the duties of his office.

(c) The director shall receive such salary as the governor shall determine, provided that such salary shall be equivalent to the salary received by the director of business and technology, director of labor, and the director of consumer affairs and business regulation.

Section 3. Within the department, there shall be the following agencies and divisions: a division of apprentice training, which shall administer the provisions of sections 11E to 11W, inclusive of chapter 23; a division of one-stop career centers, which shall administer the provisions of section 6 of this chapter, and other divisions as the director deems necessary to administer and enforce the department's other obligations. The department shall also work as a partner with the Commonwealth Corporation where appropriate, and as approved by the secretary, in consultation with the director and the president of the Commonwealth Corporation.

Section 4. (a) Subject to appropriation, the director of workforce development, shall make expenditures on workforce training grants for the following purposes:

(1) To provide grants to employers, employer groups, labor organizations and training providers for projects to provide education and training to existing employees and newly hired workers. In determining who shall receive grants, the director shall consider the following criteria:

- (i) whether the project will increase the skills of low-wage, low-skilled workers;
- (ii) whether the project will create or preserve jobs at wages sufficient to support a family;
- (iii) whether the project will have a positive economic impact on a region with high levels of unemployment or a high concentration of low-skilled workers;
- (iv) whether the employer has made a commitment to provide significant private investment in training during the duration of the grant and after the grant has expired;
- (v) whether the project will supplement, rather than replace, private investments in training;
- (vi) whether the employer is a small business that lacks the capacity to provide adequate training without such assistance;
- (vii) whether the project will provide residents of the commonwealth with training for jobs that could otherwise be filled only by residents of other nations; and
- (viii) whether the project is consistent with the workforce development blueprint prepared by the regional employment board.

Such grants shall be for amounts not to exceed \$250,000 and shall be for a term not to exceed 2 years.

(2) To provide technical assistance to increase training opportunities available to employees. The director may provide this direct technical assistance by using existing institutions such as workforce investment boards, community colleges, labor organizations, administrative entities under the federal Workforce Investment Act, Public Law 105-220, and other entities that have expertise in providing technical assistance regarding employee training or with employees of the department of workforce development or of the corporation for business, work and learning. Such expenditures shall not exceed \$3,000,000 each year and the director shall demonstrate that each dollar expended generates not less than \$5 in private investment in job training.

(b) The director of the department of workforce development shall adopt regulations, with the approval of the secretary, pursuant to chapter 30A to carry out this section.

(c) Not later than September 1 of each year, the director of workforce development shall file a report in writing with the joint committee on commerce and labor and the house and senate committees on ways and means concerning the grants made in the fiscal year ending on the preceding June 30, together with such recommendations and additional information as the director of workforce development considers appropriate.

(d) Documentary materials or data made or received by an employee of the department of workforce development, to the extent that such materials or data consist of trade secrets or commercial or financial information regarding the operation of a business conducted by an applicant for a grant from the fund established by this section, shall not be public records and shall not be subject to section 10 of chapter 66.

Section 6. (a) The director of workforce development shall administer the system of free public employment offices established in sections 160 through 168A of Chapter 149, through the division of one-stop career centers.

(b) Said division shall have control of the establishment, maintenance and operation of free public employment offices of the commonwealth and shall co-operate with the Massachusetts rehabilitation commission in the placement of handicapped persons under the provisions of section 81 of chapter 6. The department shall be the state agency for co-operation with the United States Employment Service under chapter 49 of the acts of the 73rd congress, session I, known as the Wagner-Peyser act, and shall have all the powers of such an agency as specified in said act.

The director shall assure that all information secured as an incident to the public employment service program is used solely for the purpose of administering the commonwealth system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the deputy director of employment security, provided that such disclosure will not impede the operation of or be inconsistent with the purposes of the public employment service program, or where such disclosure is otherwise authorized or required by law. Whoever discloses such information other than as required or authorized by law shall be subject to the penalty set forth in section 46 of chapter 151A.

(c) The director, in consultation with the secretary, shall divide the commonwealth into employment districts. Subject to appropriation, he may establish and maintain such additional free public employment offices as he may find necessary. The

director may contract with one-stop operators, certified in accordance with the provisions of Public Law 105-220, to provide such offices and shall have all the powers of such an agency as specified in said act. In addition, the director shall consult with the deputy director of the division of unemployment assistance to determine the share of the capital and operating expenses of said offices necessary or convenient for the proper administration of chapter 151A. The division of unemployment assistance shall reimburse the department for said share. Said offices shall be available for the payment of benefits, presentation of claims, registration of the unemployed, action to procure employment for the unemployed, and for the proper administration of chapter 151A.

Section 7. (a) There shall be in the department, but not subject to the jurisdiction thereof, a state workforce investment board, hereinafter called the board.

(b) The board shall consist of the governor; 3 members of the senate, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader; 3 members of the House, two of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the minority leader; the secretary of economic development; the secretary of health and human services; the director of the department of workforce development; the director of the department of business and technology; the commissioner of transitional assistance; the commissioner of the department of education; the chancellor of the board of higher education or another official appointed by the governor representing education and training issues; the head of the division of unemployment assistance; and the following additional members, as appointed by the governor: 2 mayors or chairs of boards of selectmen; 2 persons with experience with youth activities; 2 persons with experience and expertise in the delivery of workforce investment activities, including 1 president of a community college in the commonwealth; 11 persons representing public government, public secondary and post-secondary education, and organizations representing or providing services to trainees, including at least 3 representatives of organized labor, 2 of who shall be selected from among individuals nominated by state labor federations; and 33 persons representing business and industry in the commonwealth to be selected from among individuals nominated by state business associations and trade organizations, including at least 3 chairs of workforce investment boards. The members shall serve two-year terms at the pleasure of the governor, and shall serve without compensation.

(c) The governor shall select an individual to serve as chairperson of the board from among the members. The Chair shall serve at the pleasure of the governor.

(d) There shall be an executive committee of the state workforce investment board.

(i) The executive committee shall be chaired by the director of workforce development, and include the following members: a community college president with expertise in workforce development issues, selected by the Massachusetts Community College Association; the director of adult basic education in the department of the Board of Education; the commissioner of the department of transitional assistance; two individuals who, because of their vocations, employments, occupations, or affiliations, shall be classed as employers; and two individuals who, for like reasons, can be classed as employees. Said members shall be, by virtue of their membership on the executive board, also members of the State Workforce Investment Board.

(ii) Said executive committee shall develop legislative and regulatory proposals and identify administrative impediments to the efficient delivery of workforce development programs throughout the commonwealth, including, but not limited to assisting the Governor, or his designee, in preparing the strategic plan for the development of the Massachusetts Workforce Investment System for Massachusetts residents and businesses pursuant to the Workforce Investment Act of 1998. The executive committee shall also carry out such additional responsibilities as the Governor may from time to time require. The executive committee shall consult with the entire Workforce Investment Board in developing such proposals.

(e) The board shall adopt by-laws to govern its proceedings, and shall carry out the responsibilities required of it under the federal Workforce Investment Act of 1998.

(f) The administrative staff of the board shall be supervised by and shall report to the director of workforce development. The board shall contract with said department for personnel services and other operating needs. Notwithstanding any law or special act to the contrary, other departments, agencies, divisions, commissions, boards and bureaus of the commonwealth authorized to provide such information and support as the board may from time to time require in the course of carrying out its responsibilities.”

[The Governor disapproved this section.]

After debate, the question on passing Section 571 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-nine minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 6) [Yeas and Nays No. 256]:

YEAS.

Antonioni, Robert A. Menard, Joan M.

Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

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

The yeas and nays having been completed at twenty-six minutes before five o'clock P.M., Section 571 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 583 (Workforce Development — cooperation with Division of Economic Security I) was considered, as follows:—

“SECTION 583. Section 58 of said chapter 151A, as so appearing, is hereby amended by adding the following paragraph:—

(g) Funds from this account shall be used to support the administration and operation of this chapter, and shall be used to contract with the department of workforce development for space required to maintain walk-in services, including the provision of general information, application assistance, claims information and orientation, under this chapter.”

[The Governor disapproved this section.]

The question on passing Section 583 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-six minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 6) **[Yeas and Nays No. 257]:**

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

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

6.

The yeas and nays having been completed at twenty-four minutes before five o'clock P.M., Section 583 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Section 584 (Workforce Development — cooperation with Division of Economic Security II) was considered, as follows:—

“SECTION 584. Section 61 of said chapter 151A of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

For the purpose of maintaining free employment offices, the director of labor is authorized to enter into agreement with the director of workforce development, and shall reimburse the director of workforce development for the cost of providing space in said employment offices for the proper administration of this chapter.”

[The Governor disapproved this section.]

The question on passing Section 584 notwithstanding the disapproval of his Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-four minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 6) **[Yeas and Nays No. 258]:**

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Credon, 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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

The yeas and nays having been completed at twenty-one minutes before five o'clock P.M., Section 584 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 585 (Workforce Development — cooperation with Division of Economic Security III) was considered, as follows:—

“SECTION 585. Said section 62A of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 1, the words ‘employment and training shall’ and inserting in place thereof, the following:— unemployment assistance shall contract with the department of workforce development to.”

[The Governor disapproved this section.]

The question on passing Section 585 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at twenty-one minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 6) [Yeas and Nays No. 259]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	34.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

The yeas and nays having been completed at nineteen minutes before five o'clock P.M., Section 585 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same. The matter was sent to the Secretary of the Commonwealth endorsed accordingly.

Section 586 (Workforce Development — cooperation with Division of Economic Security IV) was considered, as follows:—

“SECTION 586. Section 62A of said chapter 151A, as so appearing, is hereby further amended by striking out subsection (b) and inserting in place thereof, the following subsection:—

(b) In addition to such access by telephone to offices of the division, the deputy director shall contract with the department of workforce development to maintain walk-in services, including the provision of general information, application assistance, claims information and orientation.”

[The Governor disapproved this section.]

The question on passing Section 586 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eighteen minutes before five o'clock P.M., as follows, to wit (yeas 33 — nays 6) **[Yeas and Nays No. 260]:**

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
Melconian, Linda J.	33.

NAYS.

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

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., Section 586 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Section 587 (Department of Economic Affairs reference changes I) was considered, as follows:—

“SECTION 587. Section 71D of said chapter 151A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Subject to appropriation, the director of workforce development, in coordination with the secretary and with any other appropriate agency, shall establish a reemployment assistance program to provide counseling, placement, training, and any other services deemed necessary, to employees terminated in plant closings and partial closings which will lead to the reemployment of said employees.”

[The Governor disapproved this section.]

The question on passing Section 587 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at sixteen minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 6) **[Yeas and Nays No. 261]:**

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —

34.

NAYS.

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

6.

The yeas and nays having been completed at fourteen minutes before five o’clock P.M., Section 587 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Section 590 (Workforce Development transfer of One Stop Career Centers II) was considered, as follows:—

“SECTION 590. Notwithstanding any general or special laws to the contrary, wherever in sections 160 to 168A, inclusive, of chapter 149 of the General Laws the word ‘commissioner’ appears, they shall be changed to ‘director of workforce development’, ‘department’ to ‘department of workforce development’.”

[The Governor disapproved this section.]

The question on passing Section 590 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at thirteen minutes before five o’clock P.M., as follows, to wit (yeas 33— nays 6)

[Yeas and Nays No. 262]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
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
Glodis, Guy W.	Rosenberg, Stanley C.

Hart, John A., Jr. Shannon, Charles E.
Havern, Robert A. Tolman, Steven A.
Jacques, Cheryl A. Travaglini, Robert E.
Joyce, Brian A. Tucker, Susan C.
Magnani, David P. Walsh, Marian
McGee, Thomas M. Wilkerson, Dianne —
33.

Menard, Joan M.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

ABSENT OR NOT VOTING.

Melconian, Linda J. — 1.

The yeas and nays having been completed at eleven minutes before five o'clock P.M., Section 590 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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

Section 591 (Workforce Development cooperation with Division of Economic Security V) was considered, as follows:—

“SECTION 591. Notwithstanding any general or special law to the contrary, the department of workforce development shall administer the one-stop career centers, so-called, and shall contract with the division of unemployment assistance, to ensure, through all reasonable efforts, the smooth and uninterrupted processing of applications and delivery of benefits.”

[The Governor disapproved this section.]

The question on passing Section 591 notwithstanding the disapproval of His Excellency the Governor, to the contrary, was determined by a call of the yeas and nays at eleven minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 6) [**Yeas and Nays No. 263**]:

YEAS.

Antonioni, Robert A. Menard, Joan M.
Baddour, Steven A. Montigny, Mark C.
Barrios, Jarrett T. Moore, Richard T.
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.
Jacques, Cheryl A. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne —
34.

NAYS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

The yeas and nays having been completed at nine minutes before five o'clock P.M., Section 591 stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting, having approved the same.

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