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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, November 15, 2005.

Met at five minutes past one o'clock P.M. (Mr. Montigny in the Chair).

Distinguished Guest.

There being no objection, the President introduced Jon "Bowzer" Bauman. Jon was one of the original members of the rock and roll nostalgia group Sha Na Na and was a major force in leading the group to their successful TV series. Jon "Bowzer" Bauman briefly addressed the Chamber, signed the guest book and withdrew from the Chamber. He was the guest of Senator Pacheco.

Petitions.

Petitions were presented and referred, as follows:

By Ms. Fargo, a petition (subject to Joint Rule 12) of Susan C. Fargo, Pamela P. Resor and James B. Eldridge for legislation to designate certain land in the towns of Acton and Concord as conservation, agriculture, open space and passive recreational purposes; and

By the same Senator, a petition (subject to Joint Rule 12) of Susan C. Fargo for legislation to reinstate Jesse M. Heines as a member in service of the state employees' retirement system;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Papers from the House.

A Bill establishing a bladder cancer screening program within the Department of Public Health (House, No. 1636,— on petition) (Estimated cost — \$630,125.00),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4456) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises; and

Petition (accompanied by bill, House, No. 4497) of Mark J. Carron and Richard T. Moore (with the approval of the town council) that the town of Southbridge be authorized to grant additional licenses for the sale of alcoholic beverages;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4457) of Elizabeth A. Poirier and others (by vote of the town) relative to affordable housing in the town of Norton;

To the committee on Housing.

Petition (accompanied by bill, House, No. 4418) of Gloria L. Fox (with the approval of the mayor and city council) for legislation to increase the maximum amount that may be imposed by fines for violations of ordinances in the city of Boston;

Petition (accompanied by bill, House, No. 4458) of Christopher G. Fallon (with the approval of the mayor and city council) that the city of Malden be authorized to establish a department of public facilities;

Petition (accompanied by bill, House, No. 4459) of Jeffrey Davis Perry and others (by vote of the town) relative to the stabilization fund of the town of Bourne;

Petition (accompanied by bill, House, No. 4483) of Joseph R. Driscoll and others (by vote of the town) that the town of Braintree be authorized to establish a mayor and city council.

Petition (accompanied by bill, House, No. 4484) of Karyn E. Polito and others (by vote of the town) relative to the agreement for the treatment of waste water in the town of Westborough; and

Petition (accompanied by bill, House, No. 4485) of Karyn E. Polito and Edward M. Augustus, Jr. (by vote of the town) relative to the agreement for the treatment of waste water in the town of Shrewsbury;

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4460) of Timothy J. Toomey, Jr. and others (with the approval of the city council) relative to certain members of the Cambridge retirement system;

To the committee on Public Service.

Petition (accompanied by bill, House, No. 4461) of Louis L. Kafka and others (by vote of the town) for legislation to authorize the town of Sharon to establish a real property tax deferral program for certain elderly persons;

To the committee on Revenue.

Petition (accompanied by bill, House, No. 4462) of Joyce A. Spiliotis and others (with the approval of the mayor and city council) relative to the city of Peabody Municipal Light Plant;

To the committee on Telecommunications, Utilities and Energy.

Petition (accompanied by bill, House, No. 4486) of Charles A. Murphy (by vote of the town) that the town of Burlington be authorized to accept certain streets located in said town;

To the committee on Transportation.

A report of the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3140) of Deborah D. Blumer and others (by vote of the town) relative to the development and approval of a housing plan in the town of Framingham, and recommending that the same be referred to the committee on Housing,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

There being no objection, at six minutes past one o'clock P.M., the Chair (Mr. Montigny) declared a recess subject to the call of the Chair; and at eleven minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

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

The following prayer was offered by Father Bernard McLaughlin of St. Gerard's Parish in Canton;

As we approach Thanksgiving Day let us be grateful for our great, unique nation in its diversity and its freedom, its opportunities and its successes. Let us also be grateful for one another as together we search for our common weal. Finally let's never forget our military men and women, their loyalty, their courage, and their willingness to stand between us and our enemies.

Resolutions.

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

Resolutions (filed by Mr. Barrios) "commending Margaret A. McKenna, President of Lesley University";

Resolutions (filed by Mr. Hart) "honoring the memory of Russell Albert Waterman"; and

Resolutions (filed by Ms. Murray) “on Thanksgiving Day 2005.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to a loaded shotgun or rifle (see Senate, No. 2255), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

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

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the conveyance of a certain parcel of Commonwealth land to the city of Revere for public purposes (see House, No. 4308, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes before two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 206]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

38.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

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

An engrossed Bill authorizing the city of Taunton to lease certain recreational land (see House, No. 4225) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final

passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at two minutes before two o'clock P.M., as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 207**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

38.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — **1.**

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

Engrossed Bill.

An engrossed Bill relative to state unemployment tax avoidance (see House, No. 4342, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at two minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 208**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	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.

Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne —
	39.
McGee, Thomas M.	

NAYS — 0.

The yeas and nays having been completed at six minutes past two o’clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Committee of Conference.

The House Bill relative to economic investments to promote job creation, economic stability, and competitiveness in the Massachusetts economy (House, No. 4429),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2264; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations for the costs for certain spending, public investment, and bonded debt of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and striking out the title and inserting in place thereof the following title: “An Act establishing a Commonwealth investment program.”), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Bosley of North Adams, DeLeo of Winthrop and Hill of Ipswich had been appointed the committee on the part of the House.

On motion of Ms. Murray, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Hart, Panagiotakos and Tarr were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4500) of Brian S. Dempsey and others relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land known as Outer Brewster Island;
Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, House, No. 4501) of Shirley Gomes and Robert A. O’Leary relative to the historic commission of the town of Provincetown;
Under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 4502) of Shirley Gomes and Robert A. O’Leary relative to property tax exemptions for rental properties restricted as affordable housing in the town of Wellfleet;
Under suspension of Joint Rule 7B, to the committee on Revenue.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill relative to heating energy assistance and tax relief (House, No. 4473, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. O'Leary moved that the bill be amended in section 16, by adding the following paragraph:—

“A municipal aggregator formed pursuant to section 134 of chapter 164 of the General Laws and administering an energy efficiency plan certified by the department of telecommunications and energy shall not be required to contribute any funds for the loan program established by this section, whether from the aggregator's residential conservation service program or otherwise.”
The amendment was **adopted**.

Ms. Resor moved that the bill be amended by striking out section 4 and inserting in place thereof the following 3 sections:—

“SECTION 4. Said section 19 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 11, the figure ‘2007’ and inserting in place thereof the following words:— 2005; and 3.0 mills (\$0.003) per kilowatt-hour for calendar years 2006 to 2012.

SECTION 4A. Said section 19 of said chapter 25, as so appearing, is hereby further amended by inserting after the word ‘year,’ in line 16, the following words:— and at least 10 per cent of the amount funded by the mandatory charge in any year.

SECTION 4B. Said section 19 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 18, the figure ‘2002,’ and inserting in place thereof the following figure:— 2012”.
The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended in section 14 (as numbered by BTR), in subsection (a), in the first sentence, by inserting after the word “customers” the following words:— “, as defined under chapter 164 of the General Laws”; and in said section by striking out the subsection (b) and inserting in place thereof the following subsection:—

“(b) The department shall require a company that initially offers a low income customer who has an arrearage, but whose utility service has not yet been terminated, a payment plan of not less than 4 months including the initial down payment of 25 per cent of the balance owed, and the remaining repayment balance amounts shall be divided equally; but, a company that seeks a repayment agreement of less than 4 months shall request approval from the department for good cause shown. A company so requesting shall notify the customer that the request has been made. This paragraph shall not limit the right of a customer to request a payment plan of more than 4 months or limit the authority of the department to order a payment plan of more than 4 months either on an individual basis or through revisions to its billing and termination regulations.”
The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended by inserting after section 2 the following section:—

“SECTION 2A. Section 11C of chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subsections (a) to (e), inclusive, and inserting in place thereof the following 12 subsections:—

(a) As used in this section, the following words and terms shall have the following meanings:

‘Eligible’, able to meet all requirements for offerors or bidders set forth in this section including, without limitation, being certified by the division of capital asset management and maintenance as eligible to provide Energy Management Systems services and not debarred from bidding under section forty-four C of said chapter one hundred and forty-nine or any other applicable law.

‘Energy conservation measures’, measures involving modifications or maintenance and operating procedures of a building or facility and installations therein, which are designed to reduce energy consumption in such building or facility, or the installation, modification of an installation in a building or facility which is primarily intended to reduce energy consumption;

‘Energy conservation projects’, projects to promote energy conservation, including but not limited to energy conserving modification to windows and doors; caulking and weather-stripping; insulation, automatic energy control systems; hot water systems; equipment required to operate variable steam, hydraulic, and ventilating systems; plant and distribution system modifications including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; utility plant system conversions; replacement or modification of lighting fixtures; energy recovery systems; and, cogeneration systems;

‘Energy management services’, a program of services, including energy audits, energy conservation measures, energy conservation projects, or a combination thereof, and building maintenance and financing services, primarily intended to reduce the cost of energy and water in operating 1 or more buildings, which may be paid for in whole or in part, by cost savings attributable to a reduction in energy and water consumption which result from the services.

‘Energy Management Systems’, the design and installation of systems or maintenance programs to conserve energy use within a building, including, without limitation, performance-contracting energy saving projects; the installation or modification of new

and existing equipment which will reduce energy and water consumption associated with heating, ventilation, and air conditioning system, lighting system, building envelope, domestic hot water system, and other energy and water using devices; and the work associated with monitoring and verifying project savings and the study or design of the subject work, whether performed directly or managed through subcontractors.

‘Energy savings’, a measured reduction in fuel, energy, operating or maintenance costs resulting from the implementation of 1 or more energy management services when compared with an established baseline of previous fuel, energy, operating or maintenance costs, including, but not limited to, future capital replacement expenditures avoided as a result of equipment installed or services performed pursuant to the guaranteed energy savings contract.

‘Guaranteed energy savings contract’, a contract for the evaluation, recommendation and/or implementation of 1 or more energy management services in which payments are based, in whole or in part, on any energy savings attributable to the contract.

‘Person’, any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals.

‘Public agency’, a department, agency, board, commission, authority, or other instrumentality of the commonwealth or political subdivision of the commonwealth or 2 or more subdivisions thereof.

‘Qualified provider’, responsible and eligible personable to meet all requirements set forth in this section, and not debarred from bidding under section 44C of chapter 149 or any other applicable law and experienced in the design, implementation, and installation of energy savings measures.

‘Request for qualifications’, a solicitation directed to qualified providers issued by a public agency to obtain energy management services pursuant to a guaranteed energy savings contract subject to the provisions of this section. The request for qualifications shall include the following:

1. The name and address of the public agency.
2. The name, address, title, and phone number of a contact person.
3. The date, time, and place where qualifications must be received.
4. A description of the services to be procured, including a facility profile with a detailed description of each building involved and accurate energy consumption data for the most recent 2-year period, stated objectives for the program, a list of building improvements to be considered or required and a statement as to whether the proposed improvements will generate sufficient energy savings to fund the full cost of the program.
5. The evaluation criteria for assessing the qualifications.
6. A statement that the public agency may cancel the request for qualifications, or may reject in whole or in part any and all energy savings measures, when the public agency determines that cancellation or rejection serves the best interests of the public.
7. Any other stipulations and clarifications the public agency may require, which shall be clearly identified in the request for qualifications.

‘Responsible’, demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by a particular contract, based upon a determination of competent workmanship and financial soundness in accordance with the provisions of section 44D of chapter 149.

(b) A public agency may enter into a guaranteed energy savings contract in order to achieve energy savings at facilities in accordance with this section.

(c) All energy savings measures shall comply with current local, state, and federal construction and environmental codes and regulations.

(d) Before entering into a guaranteed energy savings contract, a public agency shall issue a request for qualifications. Public notice of the request for qualifications shall conform to the procedures set forth in subsection (1) of section 44J of chapter 149. At least 1 week before soliciting a request for qualifications for a guaranteed energy savings contract, a public agency shall notify the commissioner of energy resources in writing, in a form and including information as the commissioner of the division of capital asset management and maintenance shall prescribe by regulation, of the agency’s intent to solicit qualifications. The notification, at a minimum, shall include a copy of the agency’s request for qualifications. An acknowledgment of receipt, in a form and including information as the commissioner of the division of capital asset management and maintenance shall prescribe by regulation, shall be issued by the commissioner of energy resources to the public agency upon successful compliance with the

requirements of this subsection. Qualifications shall be opened publicly, in the presence of 2 or more witnesses, at the time specified in the request for qualifications, and shall be available for public inspection. The provisions of sections 44A, 44B and 44E to 44H, inclusive, of chapter 149 shall not apply to contracts procured pursuant to this section. Section 44D of said chapter 149 shall apply as appropriate to qualifications submitted for contracts under this section, and every such qualification shall be accompanied by (1) a copy of a certificate of eligibility issued by the commissioner of the division of capital asset management and maintenance, and (2) by an update statement.

The public agency shall evaluate the qualified providers to determine which best meets the needs of the public agency by reviewing the following:

- (1) references of other energy savings contracts performed by the qualified providers;
- (2) the certificate of eligibility and update statement provided by the qualified providers;
- (3) quality of the products proposed;
- (4) methodology of determining energy savings;
- (5) general reputation and performance capabilities of the qualified providers;
- (6) substantial conformity with the specifications and other conditions set forth in the request for qualifications;
- (7) time specified in the qualifications for the performance of the contract; and
- (8) any other factors the public agency considers reasonable and appropriate, which factors shall be made a matter of record.

Respondents shall be evaluated only on the criteria set forth in the request for qualifications.

The public agency shall conduct discussions with, and may require public presentations by, each person who submitted qualifications in response to the request for qualifications regarding their qualifications, approach to the project, and ability to furnish the required services. The public agency shall select in order of preference 3 such persons, unless fewer persons respond, they consider to be the most highly qualified to perform the required services. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations conducted pursuant to subsection (e).

(e) The public agency shall negotiate a contract with the most qualified person at compensation which the public agency determines is fair, competitive, and reasonable. Should the public agency be unable to negotiate a satisfactory contract with the person considered to be the most qualified at a price the public agency determines to be fair, competitive and reasonable, negotiations with that person shall be formally terminated. The public agency shall then undertake negotiations with the second most qualified person. Failing accord with the second most qualified person, the public agency shall terminate those negotiations and then undertake negotiations with the third most qualified person. Should the public agency be unable to negotiate a satisfactory contract with any of the selected persons, the public agency may select additional qualified providers who responded to the request for qualifications, in the order of their competence and qualification, and continue negotiations in accordance with this subsection until either an agreement is reached or the public agency cancels the request for qualifications.

(f) The decision of a public agency as defined by section 1, regarding the selection of a 'Qualified Provider' shall be final and not subject to appeal except on the grounds of fraud or collusion.

(g) The public agency shall provide public notice of the meeting at which it proposes to award the guaranteed energy savings contract, of the name of the parties to the proposed contract, and of the purpose of the contract. The public notice shall be made at least 10 days before the meeting. The public agency shall promptly publish in the central register notice of the award.

(h) The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the amount of energy savings guaranteed will be achieved or the qualified provider shall reimburse the public agency for the shortfall amount. Methods for measurement and verification of guaranteed savings shall conform to the most recent standards established by the Federal Energy Management Program of the U.S. Department of Energy. The commissioner of energy resources shall enforce the requirements of this section and regulations promulgated hereunder as they relate to public agencies except for state agencies and building authorities and shall have all the necessary powers to require compliance therewith. The commissioner of the division of capital asset management and maintenance shall enforce the regulations as they relate to state agencies and building authorities. Any order of the commissioner of energy resources under this subsection shall be effective and may be enforced according to its terms, and enforcement thereof shall not be suspended or stayed by the entry of an appeal therefrom. The superior court for Suffolk county shall have jurisdiction over appeals of orders of the commissioner of energy resources under this subsection, and shall also have jurisdiction upon application of the commissioner to enforce all orders of the commissioner under this subsection. The burden of proof shall be upon the appealing party to show that the order of the commissioner is invalid. An aggrieved person

shall not be required to seek and order from the commission as a condition precedent to seeking any other remedy. The value of guaranteed savings may represent either all, or part of annual payments at the discretion of the agency. The guaranteed energy savings contract term for providing a guarantee, measurement and verification, maintenance, service and installment or lease payments shall not exceed 20 years. The division of capital asset management and maintenance, in concurrence with the state inspector general, shall promulgate regulations for the procurement of energy management services, including establishing safeguards to be included in guarantee energy savings contracts. The regulations shall require the submission, at least annually, of information as the commissioner of the division of capital asset management and maintenance and the state inspector general consider necessary in order to monitor the costs and benefits of contracts for energy management services.

Payments under a contract for energy management services may be based in whole or in part on any cost savings attributable to a reduction in energy and water consumption due to the contractor's performance or revenues gained due to the contractor's services which are aimed at energy and water cost savings.

(j) Unless no other manner of description suffices, and the public agency so determines in writing, setting forth the basis for the determination, all requirements shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

(k) Before entering into a guaranteed energy savings contract, the public agency shall require the qualified provider to file with the public agency a payment or a performance bond relating to the installation of energy savings measures, in an amount equal to 100 per cent of the estimated contract value from a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570.

(l) Guaranteed energy savings contracts may extend beyond the fiscal year in which they become effective.”; by inserting after section 5 (as numbered by BTR) the following section:—

“SECTION 5A. Section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended by inserting after the word ‘thirty’, in line 6, the following words:—, section 11C of chapter 25A.”; and by inserting after section 21 the following 3 sections:—

“SECTION 21A. Local authorities may amend existing energy service agreements to bring products and services to additional buildings or assets in the community. The amendments may be accomplished through negotiation with the selected energy services provider.

SECTION 21B. All guaranteed energy savings contracts, as defined in subsection (a) of section 11C of chapter 25 of the General Laws shall be compliant with prevailing wage statutes, sections 26 to 27D, inclusive, of chapter 149 of the General Laws.

SECTION 21C. A person working for a public agency, as defined in subsection (a) of section 11C of chapter 25 of the General Laws, shall abide by all applicable licensing laws of the commonwealth for contracts or work awarded under this act, including electrical, heating, plumbing, air conditioning and other categories subject to licensing.”; and further moved to amend by inserting after section 23 the following section:—

“SECTION 23A. Sections 2A, 5A, 21A, 21B, 21C shall take effect upon their passage.”.
The amendment was **adopted**.

Mr. Brewer moved to amend the bill in section 11, in line 3, by inserting after the words “natural gas,” the following words:— “electricity, wood”; and in said section 11, in paragraph (a), by inserting after the words “natural gas,” the following words:— “electricity, wood”.

The amendment was **adopted**.

Messrs. Morrissey and Lees and Ms. Murray moved that the bill be amended by striking out subsection 2 and inserting in place thereof the following:

“SECTION 2.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

Department of Housing and Community Development.

7004-1000

For a one-time state supplement to the federal Low Income Home Energy Assistance Program 42 U.S.C. §§ 8621 et seq., for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided, that expenditure of these supplemental funds shall be made in accordance with the state plan submitted by the department of housing and community development in accordance with the federal program; and provided further, that the department shall increase any previously-established

maximum assistance for which a household is eligible commensurate with the increased funding provided herein; \$5,000,000 shall be available for said program immediately and shall be available for all eligible households; and \$15,000,000 shall be available for expenditure no later than January 15, 2006 provided that DHCD determines that such funds are reasonably necessary to serve eligible households; provided further, that the department may increase maximum assistance for which a household is eligible to reflect the needs of such households. In increasing benefit levels as required herein, the department shall establish benefit levels reasonably designed to expend all available state and federal funds and, in the event that federal funds to the state program are not allocated by October 1, 2005, shall establish a baseline assumption that the state will receive no less federal funding than it received in fiscal year 200520,000,000”.

The amendment was **adopted**.

The question on passing the bill to be engrossed, in concurrence, with the amendments, was determined by a call of the yeas and nays, at seventeen minutes past two o'clock P.M., on motion of Mr. Lees, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 209**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	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.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne —
McGee, Thomas M.	39.

NAYS — 0.

**The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., the bill, as amended, was then passed to be engrossed, in concurrence, with the amendments.
Sent to the House for concurrence in the amendments.**

Recess.

At twenty-two minutes past two o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the President declared a recess; and, at a quarter before three o'clock P.M., the Senate reassembled, Mr. Panagiotakos in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Directing the certification and appointment of Thomas Taylor as a firefighter in the town of Wilmington (House, No. 4209); and

Directing the certification and appointment of Darryl Sencabaugh as a firefighter in the town of Wilmington (House, No. 4210);
Were severally read a second time and ordered to a third reading.

The House Bill relative to genetic testing results (House, No. 3899),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The Senate Bill relative to the licensure of massage therapists in Massachusetts (Senate, No. 2258),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Resor moved that the bill be amended in section 3, in the second sentence of proposed subsection (b) of section 228 of chapter 112 of the General Laws, by striking out the words “that does not constitute massage as defined in this chapter”.

The amendment was rejected.

The bill was then passed to be engrossed.

Sent to the House for concurrence.

The engrossed Bill establishing minimum energy-efficiency standards for certain products (see House, No. 4299, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was considered; and it passed to be enacted and was signed by the Acting President (Mr. Panagiotakos) and laid before the Governor for his approbation.**

The Senate Bill relative to standards for protective headgear for operators or passengers on motorcycles (Senate, No. 1344),— was considered; the main question being on ordering it to a third reading.

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

Pending the question on ordering the bill to a third reading, Mr. Moore moved that the bill be amended by adding after section 2, the following section:—

“SECTION 3. Every person operating a motorcycle or riding as a passenger or in a sidecar attached to a motorcycle who does not wear protective headgear conforming with the such minimum standards and construction as prescribed by the Registrar shall maintain a health insurance plan providing the person with at least \$50,000 in medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle and no person operating a motorcycle shall permit any other person to ride as a passenger on such motorcycle or in a sidecar unless that person provides proof that he maintains a health insurance plan providing the person with at least \$50,000 in medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle. If the operator permits an individual to ride as a passenger, there shall be a presumption that the operator has received evidence that the passenger is enrolled in said insurance plan.

Any person operating a motorcycle or riding as a passenger or in a sidecar attached to a motorcycle without protective headgear who does not maintain a health insurance plan as provided in this section or who does not ascertain whether a passenger maintains such plan shall be subject to a fine of up to five thousand dollars for each offense.

In this section, ‘health insurance plan’ shall mean an individual, group, blanket, or franchise insurance policy, insurance agreement, evidence of coverage, group hospital services contract, health maintenance organization membership, or employee benefit plan that provides benefits for health care services or for medical or surgical expenses incurred as a result of an accident.”

Pending the question on adoption of the amendment, and pending the main question on ordering the bill to a third reading, on motion of the same Senator, the further consideration thereof was postponed until the next session.

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

Matter Taken Out of the Notice Section of the Calendar.

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

The House Bill authorizing transfer of certain conservation land in the town of Falmouth (House, No. 4133, amended) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Murray moved that the bill be amended by adding the following paragraph:—

“No document transferring care, custody, control or management of the property described in this act shall be valid unless the document provides that the property shall be used solely for the purposes of a water tower and an appropriate buffer for water resource protection as described in this act. Any such document shall include a reversionary clause stipulating that the property will revert to the Falmouth conservation commission for conservation and open space purposes if the property ceases to be used for the express purposes for which it was transferred.”.

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Reports of Committees.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stanley C. Rosenberg and Stephen Kulik for legislation to provide for a partial release of certain land in Whately from the operation of an agricultural preservation restriction.

Senate Rule 36 was suspended, on motion of Mr. Berry, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stanley C. Rosenberg and Ellen Story for legislation to provide for a partial release of certain land in Amherst from the operation of an agricultural preservation restriction.

Senate Rule 36 was suspended, on motion of Mr. Berry, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stanley C. Rosenberg and Ellen Story for legislation to allow municipal employment after retirement.

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

Recess.

At thirteen minutes past three o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the Chair (Mr. Panagiotakos) declared a recess; and, at ten minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:—

The Senate Bill to provide remedies to consumers for clearing title after payoff of mortgages (Senate, No. 2278, amended),—was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Nuciforo moved that the bill be amended in section 3, by striking out the first sentence of the proposed section 55, and inserting in place thereof the following sentence:— “A mortgagee, mortgage servicer or note holder who receives full payment and satisfaction of the conditions of a mortgage shall, within 45 days of receipt of payment, (i) cause to be recorded a duly executed and acknowledged discharge that conforms with subsection (b) and provide to the closing attorney, settlement agent or other person transmitting the payoff a copy of the discharge, together with the recording information thereof, or (ii) provide to the closing attorney, settlement agent or other person transmitting the payoff a duly executed and acknowledged discharge, also so conforming, which documents in either case shall be provided to the closing attorney, settlement agent or other person irrespective of whether the mortgagee, mortgage servicer or note holder has withheld the fee for recording the discharge.”.

This amendment was adopted.

The bill (Senate, No. 2278, amended) was then passed to be engrossed.

Sent to the House for concurrence.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill providing for the disposition of certain property in the town of Upton (see House, No. 4371, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes before four o'clock P.M., as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 210**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	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.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne —
McGee, Thomas M.	39.

NAYS — 0.

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

Orders of the Day.

The Orders of the Day were further considered, as follows:—

The Senate Bill relative to the recycling of ink cartridges (Senate, No. 534),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

Matter Taken Out of the Notice Section of the Calendar.

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

The Senate Bill authorizing the town of Webster to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2274),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**
Sent to the House for concurrence.

Report of a Committee.

There being no objection, during consideration of the Orders of the Day, Mr. Moore, for the committee on Health Care Financing, that the Senate Bill to control the use of methamphetamine (Senate, No. 2183, amended),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Morrissey, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Chandler moved that the bill be amended in section 1, in the proposed clause (2) of subsection (b) of section 5A of chapter 94C of the General Laws, by striking out the words “18 years of age or older”; and in section 2, in the first paragraph of the proposed section 32N of chapter 94C of the General Laws, by inserting after the words “intentionally manufactures methamphetamine” the following words:— “or attempts to manufacture methamphetamine”.

The amendment was **adopted**.

The bill (Senate, No. 2183, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-three minutes past four o'clock P.M., on motion of Ms. Chandler, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 211**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	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.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne —
McGee, Thomas M.	39.

NAYS — 0.

The yeas and nays having been completed at twenty-eight minutes past four o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Recess.

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

Orders of the Day.

The Orders of the Day were further considered, as follows:—

The House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4443),— was read a second time.

Pending the main question on ordering the bill to a third reading, the proposed amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2279 [Estimated cost: Total Direct Appropriations: \$240,759,246.],— was considered.

Mr. Tarr moved that the bill be amended by inserting, in item 7004-0097, after the words “city of Somerville”, the following:— “and provided further, that not less than \$225,000 shall be expended for the development of a community health center in the city of Gloucester;”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting, in item 7004-0097, after the words “city of Somerville”, the following:— “; provided further, that not less than \$70,000 shall be expended for the purchase of a generator for the emergency shelter at the Pine Grove School in the town of Rowley”;.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end the following section:—

“SECTION XXX. Notwithstanding any general or special law to the contrary, the inspector general is appointed as trustee to receive and disperse proceeds of a rebate to certain citizens and entities located in the city of Gloucester, Massachusetts not to exceed the amount of \$350,000. Quarterly reports shall be filed with the House and Senate Ways and Means Committees until such funds have been dispersed in full.”.

The amendment was **adopted**.

Mr. Tarr moved that the bill be amended by inserting in item 7004-0097, after the words “city of Somerville”, the following:— “; and provided further, that not less than \$192,000 shall be provided to the town of West Newbury to assist in the purchase of land between Church Street and Main Street in the town of West Newbury for the purpose of constructing affordable housing”.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended by inserting in section 2A, in item 6005-0030, after the words “city of Waltham”, the following words:— “provided further, that not less than \$150,000 for a study on improvements to the Crescent Street parking garage in the city of Waltham,”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$4,033,334”.

After remarks, the amendment was **adopted**.

Messrs. O’Leary, Nuciforo and Joyce moved that the bill be amended by adding, at the end thereof, the following new sections:—

“SECTION _____. Item 7004-0099 of said section 2 of said chapter 45 is hereby amended by adding the following words:— ‘; and provided further, that \$85,000 shall be expended for the operation and management of the Homeowner Options for Massachusetts Elders program’.

SECTION _____. Said item 7004-0099 of said section 2 of said chapter 45 is hereby further amended by striking out the figure ‘\$8,559,992’ and inserting in place thereof the following figure:— ‘\$8,644,992’.”

After remarks, the amendment was **adopted**.

Ms. Spilka, Mr. Joyce, Ms. Jehlen, Messers Tarr and Brown moved that the bill be amended in section 2E by striking out item 6033-0592 and inserting, after item 1599-3749, the following new item:—

“1599-3802

For the payment of municipal stabilization aid to cities and towns to mitigate the budgetary impact of the extraordinary snow and ice removal costs associated with the severe winter of 2004-2005; provided that funds shall be available for any lawful municipal purpose; and; provided further, that funds shall be distributed to cities and towns through the Chapter 90 formula, so-called, adjusted to reflect snowfall levels in accordance with the schedule included in section 2F of this act 55,000,000”;

and by adding at the end of the section the following new section:—

Section 2F. Notwithstanding the provisions of any general or special law to the contrary, the funds appropriated in item 1599-3802 of section 2E of this act shall be distributed according to the schedule listed below:

City/Town	Distribution
ABINGTON	\$105,166

ACTON	\$181,309
ACUSHNET	\$97,469
ADAMS	\$78,289
AGAWAM	\$215,464
ALFORD	\$19,284
AMESBURY	\$143,966
AMHERST	\$211,715
ANDOVER	\$469,359
ARLINGTON	\$212,508
ASHBURNHAM	\$94,188
ASHBY	\$62,425
ASHFIELD	\$78,574
ASHLAND	\$112,936
ATHOL	\$136,327
ATTLEBORO	\$357,564
AUBURN	\$163,622
AVON	\$53,258
AYER	\$69,778
BARNSTABLE	\$601,652
BARRE	\$120,717
BECKET	\$63,680
BEDFORD	\$162,382
BELCHERTOWN	\$161,315
BELLINGHAM	\$135,692
BELMONT	\$144,170
BERKLEY	\$74,850
BERLIN	\$51,987
BERNARDSTON	\$49,061
BEVERLY	\$358,298
BILLERICA	\$348,980
BLACKSTONE	\$63,883
BLANDFORD	\$68,861
BOLTON	\$77,733
BOSTON	\$3,643,953
BOURNE	\$171,693
BOXBOROUGH	\$49,943
BOXFORD	\$147,780
BOYLSTON	\$55,564
BRAINTREE	\$274,283
BREWSTER	\$93,590
BRIDGEWATER	\$190,073

BRIMFIELD	\$74,780
BROCKTON	\$552,049
BROOKFIELD	\$45,861
BROOKLINE	\$252,192
BUCKLAND	\$49,395
BURLINGTON	\$240,140
CAMBRIDGE	\$672,438
CANTON	\$203,898
CARLISLE	\$71,934
CARVER	\$117,028
CHARLEMONT	\$48,553
CHARLTON	\$159,992
CHATHAM	\$95,922
CHELMSFORD	\$299,272
CHELSEA	\$151,107
CHESHIRE	\$53,874
CHESTER	\$63,334
CHESTERFIELD	\$60,225
CHICOPEE	\$320,441
CHILMARK	\$17,238
CLARKSBURG	\$19,903
CLINTON	\$88,990
COHASSET	\$57,217
COLRAIN	\$86,609
CONCORD	\$187,333
CONWAY	\$70,742
CUMMINGTON	\$55,674
DALTON	\$60,724
DANVERS	\$313,572
DARTMOUTH	\$345,372
DEDHAM	\$167,516
DEERFIELD	\$102,719
DENNIS	\$214,156
DIGHTON	\$84,072
DOUGLAS	\$96,078
DOVER	\$74,908
DRACUT	\$207,375
DUDLEY	\$113,335
DUNSTABLE	\$48,801
DUXBURY	\$143,673
EAST BRIDGEWATER	\$118,403

EAST BROOKFIELD	\$26,098
EAST LONGMEADOW	\$150,187
EASTHAM	\$73,176
EASTHAMPTON	\$131,522
EASTON	\$205,803
EDGARTOWN	\$61,379
EGREMONT	\$40,920
ERVING	\$21,468
ESSEX	\$48,050
EVERETT	\$173,802
FAIRHAVEN	\$155,763
FALL RIVER	\$628,394
FALMOUTH	\$366,115
FITCHBURG	\$307,838
FLORIDA	\$42,999
FOXBOROUGH	\$143,079
FRAMINGHAM	\$518,990
FRANKLIN	\$251,795
FREETOWN	\$111,613
GARDNER	\$166,999
AQUINNAH	\$9,579
GEORGETOWN	\$101,620
GILL	\$39,656
GLOUCESTER	\$229,632
GOSHEN	\$30,476
GOSNOLD	\$2,429
GRAFTON	\$129,808
GRANBY	\$75,377
GRANVILLE	\$70,834
GREAT BARRINGTON	\$113,454
GREENFIELD	\$173,587
GROTON	\$137,985
GROVELAND	\$76,349
HADLEY	\$99,259
HALIFAX	\$69,609
HAMILTON	\$88,645
HAMPDEN	\$67,658
HANCOCK	\$18,665
HANOVER	\$126,092
HANSON	\$84,159
HARDWICK	\$99,906

HARVARD	\$84,216
HARWICH	\$182,523
HATFIELD	\$69,230
HAVERHILL	\$515,225
HAWLEY	\$47,511
HEATH	\$56,361
HINGHAM	\$180,536
HINSDALE	\$41,142
HOLBROOK	\$65,751
HOLDEN	\$159,083
HOLLAND	\$41,328
HOLLISTON	\$128,877
HOLYOKE	\$281,364
HOPEDALE	\$43,097
HOPKINTON	\$158,667
HUBBARDSTON	\$96,764
HUDSON	\$156,686
HULL	\$78,703
HUNTINGTON	\$45,285
IPSWICH	\$150,536
KINGSTON	\$113,090
LAKEVILLE	\$100,241
LANCASTER	\$84,079
LANESBOROUGH	\$58,124
LAWRENCE	\$436,736
LEE	\$77,991
LEICESTER	\$113,224
LENOX	\$76,764
LEOMINSTER	\$301,344
LEVERETT	\$39,631
LEXINGTON	\$251,348
LEYDEN	\$38,643
LINCOLN	\$73,930
LITTLETON	\$96,950
LONGMEADOW	\$127,058
LOWELL	\$500,174
LUDLOW	\$173,914
LUNENBURG	\$114,712
LYNN	\$537,839
LYNNFIELD	\$125,877
MALDEN	\$256,303

MANCHESTER	\$52,459
MANSFIELD	\$222,485
MARBLEHEAD	\$161,177
MARION	\$47,082
MARLBOROUGH	\$299,156
MARSHFIELD	\$204,546
MASHPEE	\$173,203
MATTAPOISETT	\$63,100
MAYNARD	\$73,257
MEDFIELD	\$110,771
MEDFORD	\$263,445
MEDWAY	\$106,254
MELROSE	\$147,963
MENDON	\$70,635
MERRIMAC	\$64,845
METHUEN	\$403,469
MIDDLEBOROUGH	\$222,860
MIDDLEFIELD	\$42,624
MIDDLETON	\$101,357
MILFORD	\$216,262
MILLBURY	\$109,890
MILLIS	\$75,494
MILLVILLE	\$27,116
MILTON	\$169,952
MONROE	\$17,830
MONSON	\$124,550
MONTAGUE	\$132,864
MONTEREY	\$52,164
MONTGOMERY	\$33,475
MOUNT WASHINGTON	\$18,699
NAHANT	\$33,137
NANTUCKET	\$159,076
NATICK	\$267,839
NEEDHAM	\$246,932
NEW ASHFORD	\$11,622
NEW BEDFORD	\$647,585
NEW BRAINTREE	\$55,824
NEW MARLBOROUGH	\$91,664
NEW SALEM	\$42,184
NEWBURY	\$94,833
NEWBURYPORT	\$179,254

NEWTON	\$611,553
NORFOLK	\$93,913
NORTH ADAMS	\$120,507
NORTH ANDOVER	\$271,788
NORTH ATTLEBOROUGH	\$229,562
NORTH BROOKFIELD	\$86,651
NORTH READING	\$122,106
NORTHAMPTON	\$276,725
NORTHBOROUGH	\$129,306
NORTHBRIDGE	\$113,695
NORTHFIELD	\$77,473
NORTON	\$165,262
NORWELL	\$122,195
NORWOOD	\$239,785
OAK BLUFFS	\$47,402
OAKHAM	\$50,592
ORANGE	\$108,199
ORLEANS	\$86,566
OTIS	\$47,751
OXFORD	\$133,161
PALMER	\$130,513
PAXTON	\$50,814
PEABODY	\$449,577
PELHAM	\$27,588
PEMBROKE	\$142,565
PEPPERELL	\$105,929
PERU	\$38,618
PETERSHAM	\$69,855
PHILLIPSTON	\$51,916
PITTSFIELD	\$368,124
PLAINFIELD	\$53,056
PLAINVILLE	\$70,896
PLYMOUTH	\$373,160
PLYMPTON	\$43,482
PRINCETON	\$94,555
PROVINCETOWN	\$38,841
QUINCY	\$517,086
RANDOLPH	\$188,848
RAYNHAM	\$132,399
READING	\$163,220
REHOBOTH	\$169,857

REVERE	\$199,633
RICHMOND	\$44,892
ROCHESTER	\$76,583
ROCKLAND	\$112,629
ROCKPORT	\$71,050
ROWE	\$38,708
ROWLEY	\$79,868
ROYALSTON	\$78,580
RUSSELL	\$27,295
RUTLAND	\$92,863
SALEM	\$301,043
SALISBURY	\$78,074
SANDISFIELD	\$87,330
SANDWICH	\$212,644
SAUGUS	\$213,867
SAVOY	\$52,972
SCITUATE	\$152,183
SEEKONK	\$170,432
SHARON	\$160,475
SHEFFIELD	\$97,092
SHELBURNE	\$58,345
SHERBORN	\$70,018
SHIRLEY	\$66,578
SHREWSBURY	\$250,674
SHUTESBURY	\$36,196
SOMERSET	\$155,876
SOMERVILLE	\$309,009
SOUTH HADLEY	\$138,301
SOUTHAMPTON	\$85,095
SOUTHBOROUGH	\$101,775
SOUTHBRIDGE	\$134,267
SOUTHWICK	\$93,533
SPENCER	\$135,206
SPRINGFIELD	\$935,824
STERLING	\$112,819
STOCKBRIDGE	\$53,412
STONEHAM	\$137,694
STOUGHTON	\$207,674
STOW	\$71,888
STURBRIDGE	\$115,911
SUDBURY	\$195,609

SUNDERLAND	\$49,626
SUTTON	\$118,299
SWAMPSCOTT	\$107,481
SWANSEA	\$174,447
TAUNTON	\$420,224
TEMPLETON	\$92,684
TEWKSBURY	\$230,660
TISBURY	\$35,631
TOLLAND	\$42,913
TOPSFIELD	\$96,065
TOWNSEND	\$119,248
TRURO	\$49,404
TYNGSBOROUGH	\$97,460
TYRINGHAM	\$27,462
UPTON	\$83,400
UXBRIDGE	\$127,141
WAKEFIELD	\$181,870
WALES	\$28,258
WALPOLE	\$191,357
WALTHAM	\$415,104
WARE	\$118,109
WAREHAM	\$182,544
WARREN	\$81,032
WARWICK	\$60,441
WASHINGTON	\$44,962
WATERTOWN	\$200,583
WAYLAND	\$130,550
WEBSTER	\$129,319
WELLESLEY	\$225,904
WELLFLEET	\$71,541
WENDELL	\$53,272
WENHAM	\$52,169
WEST BOYLSTON	\$80,924
WEST BRIDGEWATER	\$83,059
WEST BROOKFIELD	\$64,360
WEST NEWBURY	\$77,355
WEST SPRINGFIELD	\$229,274
WEST STOCKBRIDGE	\$40,815
WEST TISBURY	\$21,285
WESTBOROUGH	\$217,987
WESTFIELD	\$304,487

WESTFORD	\$234,581
WESTHAMPTON	\$51,102
WESTMINSTER	\$114,718
WESTON	\$128,168
WESTPORT	\$188,172
WESTWOOD	\$144,181
WEYMOUTH	\$306,268
WHATELY	\$42,051
WHITMAN	\$89,301
WILBRAHAM	\$140,864
WILLIAMSBURG	\$51,495
WILLIAMSTOWN	\$81,777
WILMINGTON	\$208,360
WINCHENDON	\$121,636
WINCHESTER	\$144,073
WINDSOR	\$67,087
WINTHROP	\$76,787
WOBURN	\$330,050
WORCESTER	\$1,091,931
WORTHINGTON	\$65,988
WRENTHAM	\$107,166
YARMOUTH	\$255,788

The amendment was *rejected*.

Mr. Augustus moved that the bill be amended in section 2E, in item 7004-0097, by adding after the words “Saxon J. Foss Park in the City of Somerville” the following:— “provided further, that \$1,600,000 shall be expended for commonwealth contribution funds related to the Route 146 Connector project in the city of Worcester.”.

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2E, item 7004-0097, by striking out the figure “\$12,168,000” and inserting in place thereof the following figure “\$12,288,000” provided further, that said increase of \$120,000 in item 7004-0097 shall be expended to the town of Walpole for the study and design of athletic fields.

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended in section 2A, in item 7004-0097, by inserting at the end the following new language: “; provided further, that \$200,000 be expended for the design and construction of a senior center for the town of Hanover” and be it further amended by striking out figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,368,000”.

After remarks, the amendment was **adopted**.

Mr. Tisei moved that the bill be amended in section 2E, in item 6005-0030, by inserting the following:— “provided further, that \$30,000 shall be expended for a feasibility study conducted by the towns of Wakefield and Lynnfield for recreational pathways abutting Reedy Meadow”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$3,913,334”.

The amendment was **adopted**.

Mr. Tisei moved that the bill be amended in section 2E, in item 7004-0097, by inserting at the end thereof the following:— “provided further, that not less than \$50,000 shall be expended for a grant to the town of Wakefield for the purposes of conducting a study to alleviate the parking and public safety problems at the Northeast Metropolitan Regional Vocational School,

Wakefield High School and the Woodville School”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,218,000”.

The amendment was **adopted**.

Ms. Creem moved that the bill be amended in section 2E, in item 7004-0097 by adding at the end thereof the following:— “provided further, that \$40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton Center;” and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,208,000”. The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by inserting at the end thereof the following:—

“SECTION _____. Notwithstanding any general law or special law to the contrary, municipal, state agencies and state authorities owning or controlling property within Suffolk County are hereby authorized and directed to identify and establish mooring, landings and docking facilities for public access for pleasure boats within Suffolk County; provided, that there shall be a priority made to public access to Boston Harbor in Suffolk County. Said municipalities, state agencies or state authorities shall issue one or more public Requests for Proposals to solicit provision to the general public of the necessary or appropriate capital facilities and operations and maintenance services, with a particular emphasis on establishing new mooring or docking facilities available to the general public for short term usage as well as on a seasonal basis; provided that, said municipalities, state agencies or state authorities may lease property, purchase property and/or enter into memoranda of agreement with private entities or other municipality, agencies or authorities to improve public navigational access to Boston Harbor in Suffolk County and the Harbor Islands in Suffolk County for pleasure boating and to facilitate creation of boat, mooring, landing or docking facilities available to the general public; provide further, that a said entities may charge a reasonable fee public access and said fee shall be used to defray the costs of creation and maintenance of any public mooring and access and said fee shall be equitable any person seeking access; and provided further, entities that enter into public/private partnership may into a contract and retain revenue a portion of said revenue on behalf the municipality, the state authority or the Commonwealth as the case may be.

Nothing in this section shall be construed to limit the provision of boating facilities to the general public by private or non-profit service providers. Municipalities under this section shall expend funds under section 5G of chapter 40 of the General Laws to satisfy the requirements of this section. All state and municipal, agencies and authorities owning or controlling property in Suffolk County jointly or separately shall file a report with the Joint Committee on Environment, Natural Resources and Agriculture, the Department of Conservation and Recreation, and the Public Access Board on or before January 1 of each year reporting on the locations for public tie up, mooring, landing, or docking within Suffolk County including, but not limited to, the Inner Harbor of the Port of Boston and non-seasonal, transient, short term public facilities.”

After remarks, the amendment was **adopted**.

Ms. Creem moved that the bill be amended in section 2E, in item 6005-0030, by adding at the end thereof the following:— “provided further, that \$200,000 shall be provided for design improvements to the area of Route Nine at Washington Street in Brookline including plans to improve ADA accessibility and safe pedestrian and bicycle crossings of Route 9”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$4,083,334”. The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 2A, in item 7004-0097, by adding at the end thereof the following:— “provided further, than a one time grant of \$20,000 shall be provided as a grant to the town of Millville for food service and maintenance equipment for the towns new senior center”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,188,000”.

After remarks, the amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in item 6005-0030, by inserting the following words:— “provided further, that \$125,000 shall be expended for roadway, culvert and waterway repairs in the town of Leyden; provided further, that \$125,000 shall be expended for unreimbursed costs for roadway, culvert and bridge repairs including gravel, fill, riprap, resurfacing, equipment rental, overtime and contract personnel expenses in the town of Bernardston; and provided further, that \$70,000 shall be expended for roadway, culvert and bridge repairs in the town of Whately”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$4,203,334”.

After remarks, the amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended, in section 133, by inserting the following words at the end thereof:— “provided further, that \$125,000 shall be expended for roadway, culvert and waterway repairs in the town of Leyden; provided further, that \$125,000 shall be expended for unreimbursed costs for roadway, culvert and bridge repairs including gravel, fill, riprap, resurfacing, equipment rental, overtime and contract personnel expenses in the town of Bernardston; and provided further, that \$70,000 shall be expended for roadway, culvert and bridge repairs in the town of Whately”. The amendment was *rejected*.

Messrs. Hart and Joyce moved that the bill be amended in section 2A, in item 6005-0030, by inserting after the word “event” the following:— “provided further, that \$155,000 shall be expended for the Granite Avenue and the Neponset River Bike Path traffic signals;”; and in section 2A, in item 6005-0030, that the figure “\$3,883,334” be stricken and replaced with the following figure:— “\$4,038,334”.

After remarks, the amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2A, in item 6005-0030, by inserting after “event” the following: “provided further, that \$50,000 shall be expended for the installation of new and improved lighting for the safety of MBTA riders at the JFK/UMASS and Fields Corner Red Line Stations.”; and in section 2A, in item 6005-0030, that the figure “\$3,883,334” be stricken and replaced with the following figure:— “\$3,933,334”.

After remarks, the amendment was **adopted**.

Messrs. Tolman and Brown moved that the bill be amended in section 109, in item 4800-0038, by striking out the figure “\$100,000” and inserting in place thereof the following figure:— “\$225,000”; and in section 2 by striking out the following item:—

“4800-0038100,000”

and inserting in place thereof:—

“4800-0038225,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-seven minutes before six o’clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 212**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —
	38.

NAYS — 0.

ABSENT OR NOT VOTING.

Barrios, Jarrett T. — **1.**

The yeas and nays having been completed at twenty-three minutes before six o’clock P.M., the amendment was adopted.

Mr. Baddour moved that the bill be amended by inserting, after section 152, the following new section:—

“SECTION 152½. Item 4400-1000 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following:—
“provided further, that \$25,000 shall be expended for the Pettengill House of Salisbury;”.

After remarks, the amendment was **adopted**.

Ms. Menard and Messrs. Montigny, Pacheco, Timilty and Brown moved that the bill be amended in section 108 by striking out item “4800-0036” and inserting in place thereof:— “4800-0038”; and in section 108 by striking out the words “Sexual Abuse Intervention Network” and inserting in place thereof:— “Child Advocacy Center”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at nineteen minutes before six o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 213**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne —

38.

NAYS — 0.

ABSENT OR NOT VOTING.

Barrios, Jarrett T. — **1.**

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

Mr. Hart moved that the bill be amended by inserting the following new section:—

“SECTION 161. Item 4400-1000 of said section 2 of said chapter 45 is hereby amended by adding the following words:—
“provided further, that \$100,000 shall be expended for the Horizon Housing Program located in the Mattapan section of the City of Boston”; and by inserting in said section 2 the following item:—

“4400-1000 100,000”.

The amendment was **adopted**.

Mr. McGee moved that the bill be amended in section 105 by adding at the end thereof the following:— “provided further, that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus.”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 105, in item 4512-0200, after the phrase “provided further, that the commissioner of public health shall ensure that the funding is allocated in a manner that reflects the need among demographic

groups” to include:— “provided further, that the commissioner of public health shall ensure that the funding is allocated for the purpose of a comprehensive, accessible continuum of substance abuse treatment and prevention programs, which shall include, but not be limited to, acute treatment services with options for extended duration beyond 3-5 days, post-detox step-down services up to 30 days, including 24-hour services with beds, comprehensive adolescent services including stabilization and structured outpatient addiction programs with shelter and transitional services, residential and ambulatory services for adult and youth, and prevention programs; further, there shall be a particular focus on increasing the capacity to serve individuals without insurance, or where there are no other payers for needed services, as well as on individuals within the court system or exiting correctional facilities and who are in need of treatment; further, for the purposes of making available in fiscal year 2007 balances of appropriations which otherwise would revert on June 30, 2006, the unexpended balance of the maintenance allocation listed below, not to exceed the amount specified, is hereby re-appropriated for the purpose of and subject to the conditions stated for the corresponding item.”.

After remarks, the amendment was **adopted**.

Ms. Creem moved that the bill be amended in section 2E, in item 7004-0097, by adding at the end thereof the following:— “provided further, that \$50,000 shall be expended for repairs to the Hamilton Community Center in Newton Lower Falls;” and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,218,000”.

After remarks, the amendment was **adopted**.

Ms. Tucker moved that the bill be amended, in item 7004-0097, by inserting after the words “city of Springfield” the following:— “provided further, that \$100,000 be expended for the renovation of the St. Anne’s convent in the City of Lawrence.”.

Mr. Havern in the Chair, After remarks, the amendment was **adopted**.

Mr. Barrios moved that the bill be amended in section 2, in item 8000-0000, by striking out the figure “\$814,000” and inserting in place thereof the following figure:— “\$1,314,000”; by inserting at the end thereof, the following new sections:—

“SECTION ____ . Item 8000-0000 of said section 2 of said chapter 45 is hereby amended by adding the following:— provided further, that \$500,000 shall be expended for the operation of the office of the inspector general of correction.

SECTION ____ . Section 1. Chapter 6A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 18I the following section:—

Section 18J. (a) As used in this section the following words shall, unless the context requires otherwise, have the following meanings:—

‘Inspector general’, the inspector general of correction, the head of the office of the inspector general of correction.

‘Misconduct’, any act, malfeasance or dereliction of duty that results in physical or emotional injury of a person including, but not limited to, assault, battery, sexual assault, sexual harassment, threats, intimidation or coercion.

‘Office’, the office of the inspector general of correction.

‘Retaliation’, the intentional act of reprisal, threats, intimidation, coercion, interference, discharge, expulsion, discrimination or similar acts against a person employed by the department of correction, or who works within the department of correction, who has made a complaint, testified, assisted in an investigation or disclosed information regarding alleged misconduct by another employee or who has encouraged another to make such a complaint, testify or disclose such information.

(b) There shall be within the executive office of public safety an office of the inspector general of correction under the supervision and control of the secretary of public safety.

(c) The inspector general shall provide for the investigation and remediation of alleged misconduct committed by individuals, other than inmates, employed by or working within the department of correction. The governor shall appoint the inspector general without regard to political affiliation and solely on the basis of integrity and demonstrated ability in law, public administration, investigation or criminal justice administration. The inspector general shall serve for a renewable term of 5 years and may be removed by the governor during this term only for willful misconduct, substantial neglect of duty, inability to discharge the powers and duties of office or conviction of a felony or crime of moral turpitude.

(d) The commissioner of correction shall notify the inspector general of any allegation received by the department concerning misconduct by any individual, other than inmates, employed by or working within the department of correction. The inspector general and commissioner of correction shall establish a protocol for allocation, timing and performance of, and cooperation in, investigative responsibilities including, but not limited to, allowing immediate investigation by the department of correction prior to referral, deferring referral of certain complaints or substituting a report of the department of correction’s own investigation for a full report in certain matters, and allowing the inspector general to review certain internal investigations completed by the department of correction. Factors to be considered shall include the seriousness of the alleged misconduct, the relationship, if

any, between the person or persons under investigation and the department of correction internal affairs investigators or any appearance of impropriety which may be raised by the department of correction investigating its own employees. Referrals to the attorney general's office or the district attorney's office shall be made when appropriate. If the inspector general opens an investigation into the alleged misconduct, the department of correction shall suspend any investigatory or disciplinary proceedings with regards to the complaint; provided however that nothing in this section shall preclude the commissioner of correction from taking any preliminary disciplinary action pending the outcome of an investigation. The inspector general may initiate an investigation into an alleged misconduct on his or her own accord, or at the request of the secretary of public safety, the commissioner of correction or a member of the general court. The inspector general shall promptly notify the department of correction of its decision to open any investigation.

(e) The inspector general shall, during the course of an investigation, identify areas of full and partial compliance, or noncompliance, with department of correction investigatory policies and procedures, specify deficiencies in the completion and documentation of investigatory processes, and recommend corrective actions including, but not limited to, additional training with respect to investigative policies, additional policies, or changes in policy as well as any other findings or recommendations that the inspector general deems appropriate.

(f) If, during the course of an investigation, the inspector general or the commissioner of correction has determined that there is reason to believe that a criminal offense has been committed, he shall immediately forward any relevant information to the district attorney for the county wherein the alleged criminal offense occurred and the attorney general. Upon receipt of such report, the district attorney and the attorney general shall contact the inspector general and advise him whether they intend to commence a criminal investigation of the matter or whether they wish to participate in the investigation conducted by the inspector general. The attorney general or the district attorney may require that the inspector general delay or defer his investigation of the matters giving rise to the report in order to avoid jeopardizing the criminal investigation. In such cases the attorney general or district attorney shall keep the inspector general informed of the status of the criminal investigation and the inspector general shall provide to the attorney general or the district attorney any and all information that may be relevant to the criminal investigation. The inspector general shall monitor the progress of the criminal investigation and shall determine, after consultation with such law enforcement agencies, when or whether the inspector general's investigation should be initiated or resumed.

(g) The inspector general may receive communications from any individual, including those employed by the department or correction, prisoners or any other entity, who alleges a violation of department of correction policy, including investigatory policies and procedures. The identity of a person providing information that initiated the investigation shall not be disclosed without such person's written permission, except to a law enforcement agency in the furtherance of its duties.

(h) In order to properly respond to any allegation of improper staff activity, the inspector general shall establish a toll-free public telephone number for the purpose of identifying any alleged misconduct by an employee of the department of correction or anyone working within the department of correction. This telephone number shall be posted in all correctional institutions in clear view of all employees, prisoners and the public and shall be posted on the department of correction website. The identity of a person providing information that initiated the investigation shall not be disclosed without such person's written permission, except to a law enforcement agency in the furtherance of its duties.

(i) The inspector general, in carrying out the provisions of this chapter, shall have access to all records, reports, emails, audits, reviews, papers, books, documents, audio or videotapes, recommendations, correspondence and any other data or material that in any way relates to any matter under investigation excluding materials protected by grand jury secrecy, materials held by a law enforcement agency that claims the investigative exemption or other exemption from the public records law and materials protected from disclosure by federal law or state law. The inspector general may request such information, cooperation and assistance from any state, county or local governmental agency as may be necessary for carrying out his duties and responsibilities and shall hold such information confidential except as to a law enforcement agency in furtherance of its duties. Upon receipt of such request each person in charge of, or the governing body of, any state, county or local governmental agency shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance. The inspector general may require by summons, the production of all records, reports, emails, audits, reviews, papers, books, documents, audio or videotapes, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to this chapter. Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all laws relative to such summons shall apply to a summons issued pursuant to this chapter. Any justice of the superior court department in the trial court may, upon application by the inspector general issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data or material as aforesaid in the same manner and to the same extent as before said superior court department. Any failure to obey such order may be punished by the court as contempt. Whenever the inspector general has reason to believe that a person has information with respect to any matter related to an audit or investigation, he may require by summons the attendance and testimony under oath of such person. If any person refuses to attend or testify as required by the summons, any justice of the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the witness to attend and answer questions. Failure to obey an order to compel may be deemed a contempt of court.

(j) All allegations or complaints received by the inspector general, whether investigated or not, shall be logged and numbered sequentially on an annual basis. The log shall specify the following information: the sequential number of the allegation or complaint; the date of receipt of the allegation or complaint; the location or facility to which the allegation or complaint pertains; and the disposition of all actions taken.

(k) Whenever the inspector general conducts an investigation into an allegation of misconduct, it shall conduct the inquiries in a manner that provides a complete and thorough presentation of the facts regarding the complaint. All aggravating, extenuating and mitigating facts shall be explored and reported. Any findings of misconduct or wrongdoing shall be based upon a preponderance of the evidence standard. Upon the completion of any investigation, the inspector general shall prepare a written report that shall, after making any redactions necessary to preserve information that is confidential under this section, the criminal offender records information act, the public records law, or other applicable law, be provided to the commissioner of correction, the secretary of public safety, the person who requested the investigation, the person who was the subject of the investigation and, upon request, to any member of the general court. All reports of investigations shall be submitted in a standard format, begin with a statement of the allegation or complaint, provide all relevant facts and contain findings and the reasons for the findings. All reports of the inspector general that contain a finding of criminal misconduct shall be forwarded to the district attorney in the district where the alleged misconduct occurred, and to the attorney general. Nothing herein shall prevent the disclosure of information authorized by any compulsory administrative or judicial process.

(l) The inspector general shall, not later than April thirtieth of each year, prepare a report summarizing the activities of his office for the prior calendar year. This report shall be forwarded to the governor, president of the senate, speaker of the house of representatives, secretary of public safety, commissioner of correction and shall be made available to the public.

(m) Upon receiving a complaint of retaliation from an employee, the inspector general may commence an investigation. When investigating a complaint of retaliation the inspector general shall consider, among other things, whether any of the following either actually occurred or were threatened:

- (1) unwarranted or unjustified staff changes;
- (2) unwarranted or unjustified letters of reprimand or other disciplinary actions, or unsatisfactory evaluations;
- (3) unwarranted or unjustified formal or informal investigations;
- (4) engaging in acts, or encouraging or permitting other employees or persons working within the department of correction to engage in acts, that are unprofessional or foster a hostile work environment; and
- (5) engaging in acts, or encouraging or permitting other employees or persons working within the department of correction to engage in acts, that are contrary to the rules, regulations or policies of the workplace.

Upon making a finding that retaliation has occurred, the inspector general shall forward the findings of the investigation to the commissioner of correction for appropriate action, including disciplinary proceedings.

Section 2. Section 18 of chapter 6A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word ‘correction’, in line 7, the following words:— office of inspector general of correction.

Section 3. Section 18½ of chapter 6A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word ‘corrections’, in lines 17-18, the following words:— office of inspector general of correction.”
The amendment was *rejected*.

Mr. Baddour moved that the bill be amended by inserting the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the fire department of the Massachusetts Port Authority shall be considered a fire department and the Fire Chief of the Massachusetts Port Authority shall be considered the Head of the Fire Department, for the purposes of receiving any delegation of powers or authority from the State Fire Marshal that the State Fire Marshal may be authorized to delegate to a Head of the Fire Department of a fire department of a city or town.”
After remarks, the amendment was **adopted**.

Mr. Baddour moved that the bill be amended by inserting the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the Massachusetts Port Authority shall have primary and exclusive jurisdiction and responsibility for fire prevention and fire fighting services on its projects (as that term is defined in the Chapter 465 of the Acts of 1956). Said Authority may delegate such jurisdiction and/or responsibility for any Project or portion of a Project to the fire department of the city or town in which the Project resides, as the authority may from time to time deem appropriate and proper.”
After remarks, the amendment was **adopted**.

Messrs. Hart and Baddour moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION ____. Section 1. The general court hereby finds and declares that: (a) the redevelopment of the so-called NorthPoint parcel located in the cities of Cambridge, Somerville and Boston, and consisting of approximately forty-five acres of land formerly used for railroad purposes, will significantly serve the economic development and general welfare of the commonwealth through the creation of housing and employment opportunities; (b) the first phase of the redevelopment of the NorthPoint parcel, consisting of three hundred twenty-nine residential condominiums to be sold at market rates and below-market rates to buyers having incomes below the median, together with associated streets, utilities and parks, is underway and will be funded privately; (c) the developer of the NorthPoint parcel is prepared to begin the second phase of the redevelopment, consisting generally of the relocation and replacement of the existing subway and bus station at Lechmere Square in Cambridge, the construction of a parking garage to accommodate commuter parking spaces associated with the subway and bus station, the construction of new roadways and new and revised traffic signals in the Lechmere Square area, the development of facilities for bicyclists, and the remediation of environmentally contaminated land (‘NorthPoint Phase Two Project’); (d) the NorthPoint Phase Two Project will result in the creation of a new, multi-modal transit facility which will stimulate the use of modes of transportation other than private automobiles; (e) the NorthPoint Phase Two Project consists primarily of public benefit components, including the new subway station, bus station, related parking, new roadways, new utilities, new traffic signals and bicycle facilities (collectively, the ‘Public Benefit Elements’) and secondarily of other components, including additional parking and ancillary retail space (collectively, the ‘Private Elements’); (f) the cost of developing the Public Benefit Elements is \$81 million and the cost of developing the Private Elements is \$16 million for a total project cost of \$97 million; (g) the developer of the NorthPoint Phase Two Project is prepared to provide and obtain equity and debt financing for most of the total project cost and to be responsible for management of the project, including project programming, budgeting, design, engineering, construction, schedule administration, financial administration and commissioning; (h) the Congress of the United States has determined that public support of the NorthPoint Phase Two Project is appropriate, and has currently provided approximately \$7 million of funding for the design and construction of certain Public Benefit Elements; (i) public convenience, safety and necessity require that the design and construction of the Public Benefit Elements be accomplished by the same design and construction contractors responsible for the design and construction of the Private Elements; (j) combining the design and construction of the Public Benefit Elements with the Private Elements will produce economies of scale and reduce development and operational costs; and (k) combining the design and construction of the Public Benefit Elements with the design and construction of the Private Elements will serve the public interest so long as certain public policy protections concerning prevailing wages are appropriately included in the contracts for the design and construction of the Public Benefit Elements.

Section 2. Notwithstanding any general or special law to the contrary, but subject to the requirements of this section, the Massachusetts Highway Department, the Massachusetts Bay Transit Authority and any other agency or department of the commonwealth that is designated or becomes the direct recipient of federal funds appropriated for Public Benefit Elements (the ‘commonwealth department’) shall make such federal funds available to the developer of the NorthPoint Phase Two Project to enable the design and construction of the Public Benefits Elements to be undertaken by the same design and construction entities performing similar work on the correlative Private Elements. This shall be implemented, in each case in which federal funds are appropriated, through a reimbursement contract (‘Contract’) between the commonwealth department that is the direct recipient of such federal funds and North Point Cambridge Land Company LLC, a Delaware limited liability company, duly registered with the secretary of the commonwealth as a foreign limited liability company and the lessee of record and master developer of the NorthPoint Project (‘Project Developer’), or its successors in interest. In the event the commonwealth appropriates funds for Public Benefit Elements, a commonwealth department and the Project Developer shall enter into a Contract related to the use of such funds.

Section 3. The Project Developer shall perform its obligations under Contracts by employing independent consultants, designers, construction contractors and subcontractors and the Project Developer shall be promptly reimbursed by the commonwealth department for costs incurred pursuant to Contracts. Each Contract shall specify the maximum amount to be reimbursed by the commonwealth department in connection with the Public Benefit Elements, as determined by the amount of funding appropriated, as the case may be, by the commonwealth or the Congress of the United States. The commonwealth shall not be liable for any Public Benefit Elements costs beyond the amounts so appropriated. The Contracts shall also provide that (a) the scope of work and design and engineering documents related to any Public Benefit Elements to be funded from commonwealth and federally appropriated funds shall be reviewed and approved by the applicable commonwealth department; (b) such review and approvals shall be conducted on an expedited basis, so as to minimize delays and permit the timely and efficient completion of the Public Project Elements; (c) said commonwealth departments may retain construction management, engineering or other appropriate consultants to review the construction of the Public Project Elements to ensure that such construction is in accordance with the approved design and engineering documents; and (d) the costs of such design, engineering and construction review, to the extent provided by consultants to said commonwealth departments, shall be paid from the appropriated state and federal funds. The Contracts shall require the Project Developer to comply with: section 27 of chapter 149 of the General Laws relating to prevailing wages. Contracts involving the use of federally appropriated funds shall include such other provisions as are necessary to comply with applicable federal law. In addition to the requirements of this act, a Contract may contain such other terms and conditions, including the recognition of expenses incurred by commonwealth departments or by the Project Developer prior to the effective date of this act, as said commonwealth departments and the Project Developer shall agree.

Section 4. No transfer of funds shall be made from a commonwealth department to the Project Developer in connection with the Public Project Elements until the Project Developer and a commonwealth department have executed a Contract. Notwithstanding any General Laws, special act or administrative rule or regulation to the contrary, for purposes of eligibility for reimbursement under a Contract otherwise qualifying expenses incurred by or paid by the Project Developer prior to the effective date of this act shall be deemed to have been incurred or paid as the effective date of this act.”

The amendment was *rejected*.

Ms. Chandler and Mr. Augustus moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure “\$1,075,000” and inserting in place thereof the following figure:— “\$1,150,000”; and in section 116 by inserting at the end thereof the following:— “; and provided further, that not less than \$75,000 shall be expended for the Worcester County Convention and Visitor’s Bureau located in the City of Worcester”.

The amendment was **adopted**.

Mr. Hedlund moved that the bill be amended in section 2A by inserting, after item 0321-1513, the following item:—

“Department of Revenue.

1233-3061

For a one-time payment to the town of Norwell to compensate for the town’s shortfall of \$1,047,429 as a result of the town following the instructions of the Department of Revenue Division of Local Services, through a letter dated July 20, 2004, relative to Norwell’s

FY2005 tax recapitulation form 1,047,429”.

The amendment was *rejected*.

Messrs. McGee and Morrissey moved that the bill be amended by adding after section 14 the following section:—

“SECTION 14A. Notwithstanding the provisions of Chapter 32 or any other law to the contrary, the retirement benefit of any justice retired on or after July 1, 2005 under section 65D of said Chapter 32, shall be recalculated and based on the compensation rate contained in sections 45, 46 or 47 of this act; provided however, before such recalculation shall take effect, said retiree shall make payment to the state retirement board an amount equal to the total contributions that such retiree would have made from the date of retirement to January 1, 2006, plus buyback interest.”

The amendment was *rejected*.

Messrs. Hart and Brown moved that the bill be amended by inserting, after section ___, the following new section:—

“SECTION ___. Section 25C of Chapter 152 of the General Laws, as appearing in the 2003 Official Edition, is hereby amended by adding at the end the following:—

(11) Private Right of Action to Recover Workers Compensation Coverage Payments. Where either the Massachusetts attorney general or a superior court decides that probable cause exists to show that an employer has not fully complied with this chapter, then any 10 persons may bring on behalf, and in the name, of the Workers Compensation Trust Fund established by this chapter at section 65 a civil action to recover amounts which by law should have been paid by the employer pursuant to this chapter to cover the employer’s employees who engaged in employment in Massachusetts. Such persons may petition in writing that the attorney general or a court hold a probable cause hearing to make a decision as to whether such probable cause exists, and shall serve a copy of the petition to the employer named within five days. The attorney general or the court in which such a petition was filed shall hold a hearing within 30 days, and after the conclusion of said hearing, shall render a decision within 30 additional days. The decision may be appealed when a cause of action filed under this section has been finally adjudicated, unless the petition is denied. At the hearing, it shall be prima facie evidence that such probable cause exists if it is shown that:

- i) An employee was paid any portion of wages in cash currency with no deductions or taxes withheld;
- ii) No accompanying pay slip or check showing the wage payment and withholdings or deductions as required in G.L. c. 149, section 148 was provided;
- iii) An individual was misclassified as an independent contractor where the individual was in fact an employee;
- iv) Wages were not timely paid;
- v) The employer failed to withhold from the employee’s wages all related state taxes; or
- vi) Employees have not been properly reported on G.L. c. 149, §27B certified payroll records.

Nothing contained above, however, shall be construed as limiting or prohibiting in any way whatsoever other information that might be used to establish the requisite probable cause that this chapter was not fully complied with, and any information produced need not be admissible at a trial. At the probable cause hearing, it is not grounds for objecting that the information produced will be inadmissible in a trial if the information appears reasonably sufficient that it might lead to the discovery of other information that could be admissible at a trial.

After the decision that such probable cause exists has been made, the persons who brought the petition shall serve a copy of the decision on any insurer that was or is entitled to collect amounts not paid and the persons shall simultaneously state any intention to file suit under this section. At least 90 days after such service, the persons may file a civil action in accord with this section. Any persons who prevail in an action filed pursuant to this section shall be entitled to recover 25 percent of the amounts unlawfully not paid or \$25,000, whichever is less, plus costs and reasonable attorneys fees, as well as an additional amount from the defendant(s) as liquidated damages equal to 25 percent of the amount not paid or \$25,000, whichever is less. Such liquidated damages are not intended to be penal or punitive, but compensatory. After an action under this section is filed in a court, any insurer that failed to file a complaint or seek arbitration to recover or collect all the amounts which would have been due to the insurer from a defendant in such action shall be prohibited from attempting to recover or collect any amounts sought in the action which the insurer failed to seek to recover or collect, unless the insurer obtains the written and voluntary consent of the persons who have initiated the suit under this section. When such written consent is provided, a court may substitute the insurer as the plaintiff. When the insurer is substituted as the plaintiff, then the case shall proceed without further regard to this section or the Workers' Compensation Trust Fund.

No settlement made between any insured and any insurer shall be deemed to prohibit or limit an action under this section to recover other amounts that should have been paid to cover employees under this chapter and which the insurer did not recover by such settlement or otherwise.

Except as provided herein and unless the insurer has been substituted in the action, any amounts recovered by the persons who filed the civil action under this section shall be deposited into the Workers' Compensation Trust Fund established pursuant to section 65 of this chapter, except those amounts payable to such persons in accord with this section.

Any insurer, however, who pays any claim may recover from the amounts that are deposited into the Trust Fund any premium that should have been paid to that insurer which would have provided coverage for that specific claimant and claim.

Nothing contained herein shall be deemed as limiting or prohibiting in any way whatsoever any political subdivision, public entity or office, for example, any division, commission, commissioner, director, attorney general, and any law enforcement entity or office, presently entitled to bring any action, criminal or civil, against a defendant(s) to an action under this section from proceeding against such defendant in any appropriate forum. The forum, court, or agency, however, may consider and offset the amounts recovered, or likely recoverable, by an action pursuant to this section in imposing a verdict or judgment, or against imposing a fine or other penalty.

The section shall not affect, or apply to, insurance contracts that were made before the date this section becomes law. In addition to what is contained above, any action filed under this section may be filed only after 90 days following the expiration of the then present term of the workers compensation policy effected by the action, if one existed."

After remarks, the amendment was **adopted**.

Mr. Panagiotakos moved that the bill be amended by adding, at the end thereof, the following new section:—

"SECTION _____. Chapter 94E of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after Chapter 94E the following new chapter:—

CHAPTER 94F. Cigarette Enforcement.

Section 1. For purposes of this chapter, the following words shall have the following meanings:—

'Cigarette', cigarette as defined in section 1 of chapter 94E.

'Commissioner', the commissioner of the department of public health.

'Package', a pack, box, carton or container of any kind in which cigarettes are offered for sale, sold or otherwise distributed to consumers.

'Counterfeit', any unauthorized reproduction, copy, or colorable imitation offered in connection with the sale, offering for sale, or advertising of any tobacco product.

'Person', an individual, company, corporation or partnership.

Section 2. (a) It shall be unlawful for any person:

(1) to sell, distribute, acquire, hold, own, possess, transport, import or cause to be imported into or in the commonwealth for sale or distribution in the commonwealth, any cigarettes that are counterfeit or do not comply with all requirements imposed under federal law and implementing regulations, including but not limited to the requirements on the filing of ingredients lists under the federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1335a; the permanent imprinting of package warning labels in the precise format specified under the federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1333; the rotation of label statements under the federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1333(c); restrictions on the importation, transfer and sale of previously exported tobacco (products pursuant to section 9302 of Public Law 105-33, the Balanced Budget Act of 1997, as amended; the requirements of Title IV of the Imported Cigarette Compliance Act of 2000; and federal trademark and copyright laws;

(2) to alter the package of any cigarettes, prior to sale or distribution to the ultimate consumer, so as to remove, conceal or obscure: (i) any statement, label stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed or used in the United States, including but not limited to labels stating 'For Export Only,' 'U.S. Tax Exempt,' 'For Use Outside U.S.,' or similar wording; or (ii) any health warning that is not the precise warning statement in the precise format specified in the federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1333; or

(3) to affix any tax stamp or meter impression required pursuant to chapter 64C to the package of any cigarettes that does not comply with the requirements set forth in clause (1) or that is altered in violation of clause (2).

(b) This chapter shall not apply to cigarettes allowed to be (imported or brought into the United States for personal use, or to cigarettes sold or intended to be sold as duty-free merchandise by a duty-free sales enterprise in accordance with 19 U.S.C. Section 1555(b) and any implementing regulations. However, this chapter shall apply to any such cigarettes that are brought back into the customs territory for resale within the customs territory.

Section 3. Cigarettes imported or re-imported into the United States for sale or distribution under any trade name, trade dress or trademark that is the same as, or is confusingly similar to, any, trade name, trade dress or trademark used for cigarettes manufactured in the United States for sale or distribution in the United States shall be presumed to have been purchased outside of the ordinary channels of trade.

Section 4. A violation of section 2 shall constitute an unfair trade practice under chapter 93A and a person who violates section 2 shall be subject the same penalties and remedies as available under chapter 93A in addition to any penalties or remedies set forth in this chapter.

Section 5. (a) The commissioner shall enforce this chapter. At the request of the commissioner, or the commissioner's duly authorized agent, the state police and all municipal police authorities shall also enforce this chapter. The attorney general shall have concurrent jurisdiction with the prosecuting attorneys to prosecute violations of this act.

(b) For the purpose of enforcing this chapter, the commissioner and any agency or department to which the commissioner delegates enforcement responsibility under subsection (a) may request information from any state or local agency, and may share information with, and request information from, any federal, state or local agency in the United States.

Section 6. (a) The commissioner may revoke or suspend the license of any licensee under chapter 64C upon finding, after notice and a hearing, of a violation by the licensee of this chapter or any implementing regulation promulgated thereunder by the commissioner. The commissioner may also impose on any person a civil penalty in an amount not to exceed the greater of 500 per cent of the retail value, of the cigarettes involved or \$5,000 upon finding a violation by such person of this chapter or any regulation promulgated thereunder.

(b) Cigarettes that are acquired, held, owned, possessed, transported in, imported into, or sold or distributed in the commonwealth in violation of this chapter shall be deemed contraband and shall be subject to seizure and forfeiture in the same manner as provided for unstamped cigarettes under section 38A of chapter 64C. Any cigarettes so seized and forfeited shall be destroyed. Such cigarettes shall be deemed contraband whether a violation of this act is knowing or otherwise.

Section 7. A person who commits any of the acts prohibited under section 2, either knowing or having reason to know he is doing so, shall be punished by a fine of not more than \$5,000 or imprisonment in the state prison for not more than 5 years, or by both such fine and imprisonment."

After remarks, the amendment was **adopted**.

Mr. Havern and Ms. Jehlen moved that the bill be amended by adding the following section at the end thereof:—

SECTION 1. Chapter 3 of the Acts of 2004 is hereby amended in section 1, in line 5, by deleting the years '2004, 2005, 2006 and 2007' and inserting in its place the years of '2005, 2006, 2007, 2008' and in line 10, by deleting the year '2004' and replacing it with the year '2005' and in line 15, by deleting the year '2005' and replacing it with the year '2006' and in line 20, by deleting

the year '2006' and replacing it with the year '2007' and in line 25, by deleting the year '2007' and replacing it with the year '2008' and in line 31, by deleting the year '2008' and replacing it with the year '2009' and in line 36, by deleting the year '2009' and replacing it with the year '2010' and in line 41, by deleting the years '2004, 2005, 2006 or 2007' and replacing it with the years '2005, 2006, 2007 or 2008'."

The amendment was *rejected*.

Messrs. Tolman and Barrios moved that the bill be amended by inserting at the end thereof the following new section:—

"SECTION XX. Section 17J of chapter 180 of the General Laws is hereby amended by inserting at the end thereof the following:—

Where the recipient specified is a duly licensed insurance agent or insurance broker receiving sums so deducted for any property-casualty insurance offered in conjunction with the employee organization, the agent or broker shall forward the sums deducted and received to the appropriate insurance company within two business days after receipt from the treasurer or common paymaster. No insurance company doing business in the Commonwealth of Massachusetts shall refuse to accept payment of property-casualty insurance premiums without interest or charges in equal weekly or biweekly installments via payroll deduction for unionized state, county, municipal or other public employees where the agent or broker is remitting the deducted sums as required under this section. Provided, however, if any such insurance company shall not offer or allow any such agent or broker to forward funds received by electronic funds transfer from a designated premium account, then the agent or broker shall be permitted to pay the funds received under the time limits set forth in the last paragraph of section 163 of Chapter 175 of the General Laws.

SECTION 2. This act shall take effect upon its passage".

The amendment was **adopted**.

Mr. Tisei moved that the bill be amended by inserting the following new section:—

"SECTION _____. Chapter 45 of the Acts of 2005 is hereby amended in item 7061-0011, in subsection (4), by striking out the words 'fiscal year 2004 and fiscal year 2006' and inserting in place thereof the following:— fiscal year 2003 and fiscal year 2005".

The amendment was *rejected*.

Messrs. Augustus and Joyce moved that the bill be amended in section 2A by inserting the following item:—

"0521-0002

For a comprehensive study of the possibility of same day or election day voter registration in the commonwealth, as well as other elections matters; provided, that the funds appropriated herein said shall be used to retain a consultant(s) that is well versed in such issues to work with the secretary and an elections task force to be appointed to study said issues as set forth in section 156 and section 157 herein; provided, further that the study shall include findings and recommendations and a final report shall be submitted to the speaker of the house and the senate president and to the committees on Ways

and Means on or before June 1, 2006 80,000".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in item 7030-1001 of section 2 of said chapter 45, by striking out the figure "\$3,772,989" and inserting in place thereof the following figure:— "\$3,872,989"; and by inserting the following language:— "not less than \$100,000 shall be expended for the so-called Lower Pioneer Valley Educational Collaborative for expansion services."

After remarks, the amendment was **adopted**.

Mr. Nuciforo moved that the bill be amended in section 2 by inserting, after item 0340-1100, the following item:—

"0340-1101..... 150,000";

and in section 77, by inserting after the words "town of Hamilton;" the following:— "provided further, that not less than \$80,000 shall be obligated for a contract with the United Veterans of America, Inc in the city of Pittsfield;".

After remarks, the amendment was **adopted**.

Mr. Morrissey moved that the bill be amended by inserting at the end thereof the following section:—

"SECTION _____. Section 21 shall take effect on January 1, 2008."

After remarks, the amendment was **adopted**.

Mr. Barrios moved that the bill be amended in section 2A, in item 7004-0097, after the word “Somerville”, by adding the following words:— “; and provided further, that \$50,000 shall be expended for the Cambridge Housing Authority Work Force Program”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,218,000”. The amendment was **adopted**.

Mr. Havern moved that the bill be amended in section 2E, in item 2800-0108, by inserting at the end thereof the following:— “provided further, that \$100,000 shall be expended for improvements to the Vietnam Veterans Park in the Town of Billerica; and provided further, that \$20,000 shall be expended for improvements to Warren Manning Park in the Town of Billerica”; and by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,027,000”. The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended by striking out in its entirety section 157. The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 119, in item 7003-0702, by inserting after the word “community” the following:— “and provided further, that \$1,250,000 shall be expended for the 1:1 Wireless Initiative at the New Boston Pilot Middle School”. The amendment was **adopted**.

At twenty-three minutes past six o’clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the Chair (Mr. Havern) declared a recess; and, at fourteen minutes before seven o’clock P.M., the Senate reassembled, the President in the Chair.

Mr. Joyce moved that the bill be amended in section 2E, in item 6005-0030 by adding the following:— “; and provided further, that not less than \$1,000,000 shall be expended for improvements along the Blue Hills Parkway, including but not limited to infrastructure and road improvements, signalization, sidewalks, lighting, safety and aesthetic improvements, in the Town of Milton”; and in section 2E, in item 6005-0030, by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$4,883,334”. The amendment was **adopted**.

Mr. Tolman moved that the bill be amended by inserting the following section at the end thereof:—

“SECTION XX. Section 51M of chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is amended by adding the following new paragraph:—

Notwithstanding any general or special law to the contrary, no building or structure for the operation of such business or system shall be newly constructed within 1,000 feet of a residential dwelling until 4 months after the completion of a traffic study by the affected municipality in coordination with the Massachusetts Port Authority”.

The amendment was **adopted**.

Mr. Barrios moved that the bill be amended by inserting, at the end thereof, the following new section:—

“SECTION _____. Section 1. The following words, as used in sections 1 through 3, inclusive, shall have the following meanings:

‘Barge’, a non-self-propelled vessel carrying hazardous cargos, as defined herein, in bulk or residues from said cargos.

‘Docking pilot’, a person qualified under the regulations promulgated pursuant to this act, aboard a regulated vessel, who is responsible for overseeing and coordinating the vessel’s transit escort or assisting with the mooring or unmooring of the regulated vessel.

‘Escort Vessels’, commercial harbor tugboat and towboat vessels conducting ship assist and escort services.

‘Harbor Transit’, the passage of a regulated vessel within a Massachusetts Port.

‘Hazardous Cargos’, gaseous, liquid or bulk cargos consisting in whole or in part of petroleum or hazardous substances as defined in section 1 of chapter 94B of the General Laws.

‘Massachusetts Ports’, the waters of the Commonwealth contiguous to the navigable waters of the United States which receive regulated vessels including Boston Harbor, Chelsea, Everett, Revere, Quincy and Quincy Bay, Dorchester Bay, Weymouth Fore River, Weymouth Town River and Salem Harbor, all as shown on the most current United States National Oceanic and Atmospheric Administration Nautical Charts.

‘Office of Public Safety’, the Commonwealth of Massachusetts Executive Office of Public Safety.

‘Petroleum’, insoluble or partially soluble oils of any kind or origin or in any form, including, without limitation, crude, waste or fuel oils and gasoline, lube oil or sludge, and their insoluble or partially insoluble derivatives.

‘Regulated Vessels’, inbound and outbound tanker ships, freighters, barges, and other vessels conveying bulk hazardous cargos.

‘Tanker Ship’, a self-propelled vessel carrying hazardous cargos in bulk or residues from said cargos.

‘Transit Escort’, one or more tug or tow boats escorting or assisting a regulated vessel during a harbor transit.

Section 2. Notwithstanding the provisions of chapter 102 or chapter 103 of the General Laws or any other general or special law to the contrary, the office of public safety, or any agency within said office so designated by the secretary of the office of public safety, shall promulgate regulations governing harbor transits and regulated vessels and escort vessels conducting said harbor transits in Massachusetts Ports. The regulations shall address the safety and environmental concerns posed by regulated vessels and escort vessels engaged in the harbor transit and maneuvering in close quarters of cargos defined as hazardous by this act. Said regulations shall include, but not be limited to, the required use of a qualified docking pilot for harbor transits, and:

- (i) the training, experience and qualifications for docking pilots;
- (ii) the number and type of escort vessels required for various regulated vessels, their cargos and for various harbor transits;
- (iii) for escort vessels:
 - a) requisite equipment;
 - b) crew training;
 - c) crew complement;
 - d) record keeping and reporting requirements;
 - e) mechanisms for oversight of the regulations promulgated hereunder, which may include private, third-party auditors;
 - f) specific conditions and operations occurring in each Massachusetts Port; and
 - g) support of emergency services.

In drafting its regulations, the office of public safety or its designee shall seek input from the Captain of the Port of Boston; harbor pilots; docking pilots; tug and barge operators; shipping agents; terminal operators; harbor masters, fire and police departments from the municipalities in which the Massachusetts Ports are located; the Massachusetts State Police, Massachusetts Office of Coastal Zone Management, Massachusetts Port Authority, and the Environmental Business Council of New England. The office of public safety, or any agency within said office so designated by the secretary of the office of public safety, shall be responsible for the enforcement of the provisions of this act and any regulation promulgated pursuant to this act, and in doing so may enter into agreements or other instruments with agencies or independent authorities of federal, state, county, regional or municipal government that provide for the cooperative enforcement of this act.

Section 3. The office of public safety or its designee shall promulgate regulations governing regulated vessels and escort services operating in Massachusetts Ports in accordance with the foregoing not later than 120 days from the effective date of this act.

Section 4. Section 1A of Chapter 103 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding after the second paragraph the following paragraph:—

‘Consumer Price Index’, the annual Consumer Price Index for All Urban Consumers, Northeast Region All Items as reported by the Federal Bureau of Labor Statistics.

Section 5. Section 31 of chapter 103 of the General Laws, as most recently amended by chapter 263 of the acts of 2004, is hereby amended by striking out lines 3 through 9, inclusive, and inserting in place thereof the following:—

for vessels 3,500 Gross Tons or under \$ 50.06

for vessels 3,501 to 7,000 Gross Tons \$ 65.30

for vessels 7,001 to 15,000 Gross Tons \$ 74.26

for vessels 15,001 to 25,000 Gross Tons \$ 77.43

for vessels 25,001 to 35,000 Gross Tons \$ 79.49

for vessels 35,001 to 45,000 Gross Tons \$ 81.71

for vessels 45,001 to 55,000 Gross Tons \$ 87.78

for vessels 55,001 to 70,000 Gross Tons \$ 92.78

for vessels 70,001 to 85,000 Gross Tons \$ 99.46

for vessels over 85,000 Gross Tons \$106.13

On the first anniversary of the effective date of this section, rates of pilotage shall be amended by calculating the rate of change of the Consumer Price Index of the two years immediately preceding the year of amendment plus an additional 4 percent.

On the second anniversary of the effective date of this section, rates of pilotage shall be amended by calculating the rate of change of the Consumer Price Index of the two years immediately preceding the year of amendment plus an additional 2 percent.

Every year thereafter, on the anniversary of the effective date of this section, rates of pilotage shall be amended by calculating the rate of change of the Consumer Price Index of the two years immediately preceding the year of amendment.

Section 6. In determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall promulgate rules and regulations in regards to allowing applicants who are members of any uniformed service of the United States (including the Army, Navy, Air Force, Marine Corps, Coast Guard, or NOAA Officer Corps), any time during which the applicant is serving on active duty shall not accrue against time period that counts against the applicant. Military sea service in command of a vessel credits toward any requirements for service in the capacity of master, and military sea service as second-in-command of a vessel credits toward any requirements for service in the capacity of chief mate. Military sea service in a capacity as an officer in charge of a navigational bridge watch credits toward any sea service requirement other than those in the capacity of master or chief mate. No person's status as a veteran or as a military reservist, and no person's susceptibility to recall to military active duty, shall diminish his or her eligibility for selection for Pilot Candidate Training or for warrant or full branch pilot commission."

The amendment was **adopted**.

There being no objection, the following amendments were considered as one, and adopted to wit:

Mr. Tarr moved that the bill be amended by inserting, in section 116, after the words "new brand identity", the following:—"and provided further, that not less than \$40,000 shall be expended to the St. Peter's Fiesta Committee for the purchase of Seine Boat replicas provided that the committee shall match this amount from private funds;".

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 2E, in item 7004-0097, by adding at the end thereof the following words:—"provided further, that \$200,000 shall be expended for the Medway Senior Center."; and by striking out the figure "\$12,168,000" and inserting in place thereof the following figure:—" \$12,368,000".

The amendment was **adopted**.

Ms. Resor moved that the bill be amended in section 2E, in item 6005-0030, by inserting at the end thereof the following:—" ; provided further, that \$10,000 shall be expended for design of a recreation trail along Route 2 in the Town of Harvard."; and by striking out the figure "\$3,883,334" and inserting in place thereof the following figure:—" \$3,893,334".

The amendment was **adopted**.

Ms. Menard moved that the bill be amended by inserting the following outside section:—

"SECTION ____ . Section 7 of Chapter 703, as most recently amended by section 3 of Chapter 290 of the Acts of 1998, is hereby further amended by striking out the figure '500,000,000' and inserting in place thereof the following figure:— \$800,000,000".

The amendment was **adopted**.

Mr. Montigny moved that the bill be amended in section 2E, in item 2800-0610, by inserting at the end thereof the following words:—" ; provided further, that \$250,000 shall be expended for capital improvements and renovations for the State Park at Fort Phoenix in the town of Fairhaven, including \$40,000 for preservation of and structural repairs to the fortifications, gunpowder magazine and retaining walls of Fort Phoenix"; and in section 2E, in item 2800-0610, by striking out the figure "\$1,500,000" and inserting in place thereof the following figure:—" \$1,750,000".

The amendment was **adopted**.

Ms. Resor moved that the bill be amended in section 2E, in item 6005-0300, by inserting at the end thereof the following:—" ; provided further, that \$40,000 shall be expended for signal lights at the Assabet River Rail Trail crossing of Route 85 (at the

corner of Giasson Street) in the Town of Hudson”; and further amend the bill by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$3,923,334”.

The amendment was **adopted**.

Ms. Resor moved that the bill be amended in section 2E, in item 6005-0300, by inserting at the end thereof the following:— “; provided further, \$40,000 shall be expended for signalization lighting at the Littleton high school entrance on King Street and \$50,000 shall be expended for right of way acquisitions on two parcels located at 62-64 King Street in the town of Littleton as part of the Route 2A/ Route 110 Traffic Improvements, Littleton High School Turn Lane project as shown on a plan prepared for the Massachusetts highway department by the Berkshire Design Group, Inc. dated May 10, 2004.”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$3,973,334”.

The amendment was **adopted**.

Mr. Montigny moved that the bill be amended in section 91 by inserting at the end thereof the following words:— “Item 2800-0200 of said section 2 of said chapter 45 is hereby amended by inserting after the words ‘Buttonwood Park Zoo’ the following words:— ; provided further, that \$250,000 shall be expended for the Buttonwood Park Zoological Society, for a playground for children with disabilities and for other purposes at the Buttonwood Park Zoo in the city of New Bedford”.

The amendment was **adopted**.

Mr. Lees moved that the bill be amended in section 116 by inserting, after the words “brand identity”, the following words:— “provided further, that not less than \$100,000 shall be expended for improvements to the Granby Town Hall;”.

The amendment was **adopted**.

Mr. Knapik moved that the bill be amended in section 2E, in item 2800-0108, by adding the following words:— “provided further, that \$100,000 shall be expended for the dredging of Nashawannuck Pond in Easthampton” ; and in said item by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,115,000”.

The amendment was **adopted**.

Mr. Augustus moved to amend section 2, in item 8324-0000, by striking out the figure “\$50,000” and inserting the following figure:— “\$75,000.”; and in section 126 by adding at the end thereof the following:— “provided that not less then \$25,000 be transferred to the town of Millbury for a feasibility study of a multi-use public safety structure.”.

The amendment was **adopted**.

Mr. Barrios moved that the bill be amended in section 2A, in item 2800-0108, by inserting, after the word “Brockton”, the following words:— “; and provided further, that \$250,000 be expended for a traffic light at a pedestrian crosswalk at Hawthorne Street Extension in Cambridge”; and by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,265,000”.

The amendment was **adopted**.

Mr. Buoniconti moved that the bill be amended, in item 2800-0108, by inserting the following language:— “providing further, that not less than \$75,000 be expended for design and construction of a handicap accessible public access trail at Pyncheon Point in the city known as the Town of Agawam.”.

The amendment was **adopted**.

Mr. McGee moved that the bill be amended in section 2A, in item 2800-0108, by adding at the end thereof the following:— “provided further, that \$250,000 be expended for the athletic fields in the town of Saugus, including a track located on Dow Street in the Town of Saugus.”.

The amendment was **adopted**.

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2E, in item 0526-0910, by inserting at the end thereof, the following words:— “; and provided further, that \$75,000 shall be expended for historic preservation of Atheneum Hall in the town of Framingham”; and by striking out the figure “\$44,008” and inserting in place thereof the following figure:— “\$119,008”.

The amendment was **adopted**.

Mr. Hedlund moved that the bill be amended in section 2A by inserting, after item 6005-0030, the following item:—

“6005-0238

For the repair of a stone embankment along the Turkey Hill Run waterway, located at 238 Rockland Street, Hingham, that runs under Rockland Street and into the Weir River in Hingham; said embankment is a mere three feet from a residential home at 238 Rockland Street and any

further failure jeopardizes the residence 25,000”.

The amendment was **adopted**.

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure “\$1,075,000” and inserting in place thereof the following figure:— “\$1,095,000”; and further amend the bill in section 116 by inserting at the end thereof the following:— “; provided further, that \$20,000 shall be transferred to the town of Monson for the beautification of the downtown area”.

The amendment was **adopted**.

Mr. Brown moved that the bill be amended in item 2800-0108 by inserting at the end thereof the following:— “; provided further, that \$35,000 shall be expended for emergency repairs to the Oak Grove Playground subject to not less than a 1:1 matching requirement by the town of Millis”.

The amendment was **adopted**.

Mr. Creedon moved that the bill be amended in item 2800-0108, in section 2A, by adding at the end thereof the following new language:— “; provided further, that no less than \$30,000 be expended for the purpose of further restorations to the Whitman Town Park designed by Frederick Law Olmstead”; and be it further amended by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,045,000.”.

The amendment was **adopted**.

Messrs. Creedon and Joyce moved that the bill be amended in section 2A, in item 6005-0030, by adding at the end thereof the following new language:— “; provided further, that no less than \$300,000 shall be expended for sidewalks on Elm Street in the Town of East Bridgewater, from North Central to Belmont Streets, and on Belmont Street from Elm to Summer Street, and on Spring Street from Bedford to Winter Street”; and be it further amended by striking out the figure “\$3,883,334 and inserting in place thereof the following figure:— “\$4,183,334”.

The amendment was **adopted**.

Mr. Buoniconti moved that the bill be amended, in item 7004-0097, by adding the following language:— “provided further, that not less than \$100,000 be expended for the planning of design of the Agawam Senior Center in the City known as the Town of Agawam.”.

The amendment was **adopted**.

Mr. Antonioni, Ms. Chandler, Messrs. Brewer and Augustus moved that the bill be amended by inserting the following section:—

“SECTION 161. For the University of Massachusetts Biomedical Institute for Discovery to be established at the Worcester campus to support research and innovations; provided such Institute shall (i) perform and support basic research relevant to biotechnology and life sciences, (ii) enhance the development of technology in this sector, (iii) provide technical assistance and collaborative research infrastructure in support of small institutions and current or prospective companies involved in this sector, (iv) involve or employ higher education and secondary education students and faculty in research and in the center’s operations, (v) facilitate faculty externships and student internships in this industrial sector, and (vi) foster a collaboration with an enterprise committed to the incubation of new and young companies; provided further, such Institute shall support a Center for Intelligent High Throughput Biology and may expend up to two and a half million dollars for equipping, establishing and operating six shared resource core facilities utilizing high throughput techniques to speed the development of new hypotheses; to create and make available to scientists at small institutions and companies the tools of genomic medicine; and to create the resources to facilitate the development and study of the interactions of chemical compounds, gene products, cells and organisms and the networks formed by these interactions.; provided further, that not less than one and a half million of these funds shall be used to acquire equipment providing access to state-of-the-art productivity enhancing tools such as robotics of plate and liquid handling, transfection/infection, washing, incubation, plate assay/reading and informatics including but not limited to gene silencing, proteomics and protein fractionation, microarray, sequencing and synthesis chemical biology screening and bioinformatics; provided further, said Institute shall establish a Center for Stem Cell Biology and Regenerative Medicine in further support of the public institutional review board operating pursuant to Chapter 111L of the General Laws; provided further, all intellectual property generated by research within the Center shall be identified on the Center’s internet site and offered on a first negotiation basis to Massachusetts companies expressing interest; provided further, the Center shall create a Stem Cell Biology Core to serve as a resource/registry for all established and newly established stem cell lines, provide the expertise to grow and characterize such stem cell lines and make them readily available at cost to the academic and industrial scientific community in the commonwealth, and serve as a catalog and data warehouse storing all new data which becomes available from studies conducted on such stem cell lines; provided one million dollars may be expended for the operations of the Stem Cell Biology Core . . . \$2,500,000”.

The amendment was **adopted**.

Mr. Nuciforo moved that the bill be amended in section 2, in item 0526-0910, by inserting after the words “town of Whitinsville”, the following:— “provided further, that not less than \$100,000 shall be expended for historic preservation at the Lenox Library in the town of Lenox;”; and by striking out the figure “\$44,008” and inserting in place thereof the following figure:— “\$144,008”.

The amendment was **adopted**.

Mr. Joyce moved that the bill be amended in section 2E, in item 7004-0097, by adding the following:— “; and provided further, that not less shall \$100,000 shall be expended to the Town of Randolph for capital improvements to the Joseph J. Zapustas Arena”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:—”\$12,268,000”. The amendment was **adopted**.

Mr. Joyce moved that the bill be amended in section 2E, in item 6005-0030, by adding the following:— “; and provided further, that not less then \$100,000 shall be expended for platform repairs in the town of Stoughton”; and in section 2E, in item 6005-0030, by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:—”\$3,983,334”. The amendment was **adopted**.

Ms. Chandler and Mr. Augustus moved that the bill be amended in section 2E, in item 7004-0097, by inserting at the end thereof the following wording:— “; and provided further, that \$175,000 shall be expended for the Worcester Educational Development Foundation”; in said item 7004-0097, by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,343,000”. The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended in section 2E, in item 6005-0030, by inserting, after the words “Mansfield and Norton”, the following:— “; provided further, that \$100,000 shall be expended for the design and construction of full traffic signalization in the vicinity of the Holbrook Public Safety complex at the intersection of King Street and South Franklin Street in the town of Holbrook”. The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended in section 2E, in item 7004-0097, by inserting after the words “American with Disabilities Act” the following:— “; provided further, that \$60,000 to be expended for upgrades and improvements at the Abington Memorial Stadium in Abington”. The amendment was **adopted**.

Mr. Havern moved that the bill be amended in section 2, in item 6005-0030, by inserting the following at the end thereof:— “provided further, that not less than \$200,000 shall be expended to assist the town of Burlington for the renovation and expansion of the Grand View Farm.”. The amendment was **adopted**.

Mr. O’Leary moved that the bill be amended in section 2A, in item 2800-0108, by inserting, after the word “Brockton”, the following:— “; provided further, that not less than \$200,000 shall be expended as a three-to-one matching grant for Phase II or Parker’s River Marine and Community Park in the town of Yarmouth.”; and by striking out the figure “\$7,015,000”, and inserting in place thereof the following figure:— “\$7,215,000”. The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2A, in item 2800-0108, by inserting, after the word “Brockton”, the following:— “provided further, that \$100,000 shall be expended for the Meaney Playground in the City of Boston”. The amendment was **adopted**.

Ms. Wilkerson, Mr. Panagiotakos and Ms. Walsh moved that the bill be amended by adding after section 160 the following new section 161:—

“SECTION 161.

Section 1. *Resolved*, That a special commission to consist of 5 members of the senate, one of whom shall be a member of the minority party and 1 of whom shall be designated co-chairperson; 5 members of the house of representatives, 1 of whom shall be a member of the minority party and 1 of whom shall be designated co-chairperson; the secretary of administration and finance or his designee, the commissioner of correction or her designee, the secretary of health and human services or his designee, the director of housing and community development or his designee, the commissioner of mental health or her designee, the commissioner of transitional assistance or his designee, the secretary of veterans’ services or his designee; the executive director of the massachusetts municipal association shall appoint three Massachusetts mayors; the president of the massachusetts sheriffs’ association or his sheriff designee; and six persons to be appointed by the governor, 1 of whom shall be the executive director of the massachusetts housing and shelter alliance, 1 of whom shall be a formerly homeless person nominated by the massachusetts housing and shelter alliance, 1 of whom shall be the executive director of homes for families or her designee, 1 of whom shall be a formerly homeless person nominated by homes for families, 1 of whom shall be the executive director of massachusetts coalition for the homeless or her designee, and 1 of whom shall be a formerly homeless person nominated by the massachusetts coalition for the homeless, for the purpose of devising, overseeing, and monitoring a statewide strategy to end homelessness in the commonwealth. The commission’s strategy will outline the necessary steps to replace the decade-old system of ad hoc and disparate emergency responses to homelessness with a coordinated and consolidated plan for permanent solutions to homelessness involving housing, economic development, and job creation.

Section 2. Said commission shall, by June 30, 2006, develop a comprehensive housing plan to end homelessness in the commonwealth, to be implemented over a 5-year period, with a focus as follows:

(A) To ensure the collaboration of the department of communities and development, the executive office of health and human services and other state agencies, departments, and quasi-public authorities in the planning and distribution of resources that will create coordinated efforts to house homeless people, develop jobs and economic opportunities, and provide appropriate services.

(B) To consolidate within the state budget those funds allocated for services, housing, and economic development for homeless people, and to supplement these funds as necessary, for the purpose of developing coherent, comprehensive public policy. The special commission shall outline long-term planning goals and performance-based objectives with actual quantifiable outcomes and results, guided by research, as part of the creation of a consolidated budget and comprehensive public policy to reduce homelessness.

(C) To carry out an analysis of the financial and organizational feasibility of utilizing state resources for housing, economic development and supportive services under a conversion strategy. The preparation of this conversion analysis shall include, but not be limited to, compilation and analysis of the following information: (1) a determination of the number of units required by jurisdictions to house homeless individuals and families; (2) the coordination of discharge planning from correctional, mental health and other institutions and the types of housing support systems required to prevent or end homelessness; (3) recommendations relative to the establishment of a results-oriented initiative of coordinated community support services designed to ensure that homeless individuals and families move towards independence and self-sufficiency; provided, however, that community support services shall include, but not be limited to, the case management of individual and family integration or reintegration into independent community living; and to identify the number of housing units affordable to very low-income and extremely low-income households according to the definition by the United States department of housing and urban development or a successor agency; (4) the total amount in state resources currently spent on emergency shelter and services specifically targeted to homeless individuals and families; (5) a compilation of the costs of homelessness in mainstream primary and behavioral health systems and law enforcement systems, including jails, prisons, and courts; (6) an administrative review of all beds and services dedicated to homeless people and a review of models for housing, economic development and supportive services to which the present shelter system could be converted with recommendations regarding the transfer from the current to the proposed system; (7) the establishment of baseline quantification of the number of homeless people in the Commonwealth and in various jurisdictions; (8) the establishment of incremental benchmarks to address what the baseline reveals; (9) the identification of the most innovative ideas from around the country for prevention.

The coordinated services that the commission shall analyze as a part of an individual or family living plan designed to prevent or eliminate homelessness shall include, but not be limited to, adult education, employment training and placement, family stabilization and reunification services, the head start program, child care and after-school services, substance abuse and mental health counseling and treatment, primary and preventive health care services, post-criminal justice rehabilitation and reintegration services, housing and rental assistance, energy and conservation assistance, group adult foster care and other elder home care services and nutrition.

(D) To prioritize and target state resources available for housing, economic development and supportive services to meet the needs of homeless individuals and families, and to ensure that those experiencing chronic homelessness are prioritized in the plan, especially veterans. Such prioritization and targeting may include the creation of special initiatives and set asides of a percentage of resources state agencies and quasi-public authorities may devote to the housing and employment of homeless people.

(E) To ensure that the state maximizes its ability to leverage outside resources from the federal, municipal, and private sources in the creation of coordinated, comprehensive initiatives to house homeless people.

(F) To identify what additional state resources are necessary to implement the strategy.

(G) To oversee the coordination and consolidation of state resources, both allocated and additional.

(H) To monitor a multi-year strategy initially to reduce the number of people who are homeless and to subsequently end homelessness in the Commonwealth.

Section 3. For the purposes of this commission, 'homelessness' shall mean the condition of a person sleeping in a place not meant for human habitation or in an emergency shelter, or a person in transitional housing for homeless persons who originally came from the street or an emergency shelter. For purposes of this legislation 'not meant for human habitation' shall include but not be limited to cars, parks, sidewalks, abandoned buildings, welfare hotels, shared temporary occupancy of housing not intended for multiple families or other individuals, or any other public or private place not designed for, or ordinarily used as, regular living accommodations.

Section 4. The executive office of administration and finance shall provide staff for the commission. Said commission shall present to the general court its comprehensive housing plan to end homelessness in the commonwealth, including a timeline for

implementation, cost estimates and finance mechanisms and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives, who shall forward the same to the joint committee on children and families, the joint committee on housing, and the house and senate committees on Ways and Means on or before June 30, 2006. The commission shall consult with the Massachusetts Interagency Council on Homelessness and Housing from time to time, and shall report to the general court the results of its overseeing and monitoring a statewide strategy to end homelessness in the commonwealth annually from June 30, 2007 through June 30, 2011.” The amendment was **adopted**.

Mr. Baddour moved that the bill be amended by inserting the following new section:—

“SECTION ____ . Item 1410-0012 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following:— “provided further, that not less than \$82,757 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill;”.

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended in section 105, in item 4512-0200, by adding the following:— “provided further, that not less than \$1,000,000 shall be expended to provide for one-time startup costs for sobriety high schools that shall include, but not be limited to, personnel costs such as salaries, and operating costs such as the lease of the schools, the renovation of the schools, furniture, books and desks.”.

The amendment was **adopted**.

Mr. Buoniconti moved that the bill be amended in item 4512-0500 of section 2 of said chapter 45 by striking out the figure “\$1,678,150” and inserting in place thereof the following figure:— “\$1,778,150”; and be further amended by inserting the following language:— “provided further, that not less than \$100,000 be expended for so-called Caring Health Center in Springfield for costs associated with providing dental care to the underprivileged in Springfield and greater Springfield.”.

The amendment was **adopted**.

Messrs. Baddour and Montigny moved that the bill be amended by striking out section 127 and inserting in place thereof the following item:—

“Item 8400-0001 of said section 2 of chapter 45 is hereby amended by striking out the words ‘may operate a full service office on the town of Milford to be operated 5 days a week;’ and inserting in place thereof the following words:— “shall operate a full service office in the town of Milford to be operated 5 days a week; provided further, that \$400,000 shall be expended for a study and evaluation of the automated license and registration system.”.

The amendment was **adopted**.

Ms. Murray moved that the bill be amended in section 2A by inserting, after item 1599-1110, the following item:—

“1599-1111

For additional funding for the various offices of district attorneys for fiscal year 2006; provided, that the Suffolk district attorney’s office receive not less than \$531,535; provided further, that the Middlesex district attorney’s office receive not less than \$532,849; provided further, that the Eastern district attorney’s office receive not less than \$322,932; provided further, that the Worcester district attorney’s office receive not less than \$343,854; provided further, that the Hampden district attorney’s office receive not less than \$317,752; provided further, that the Hampshire/Franklin district attorney’s office receive not less than \$209,137; provided further, that the Norfolk district attorney’s office receive not less than \$348,200; provided further, that the Plymouth district attorney’s office receive not less than \$287,361; provided further, that the Bristol district attorney’s office receive not less than \$295,400; provided further, that the Cape and Islands district attorney’s office receive not less than \$151,256; provided further, that the Berkshire district attorney’s office receive not less than \$140,227; and provided further, that funds may be expended for increases in salaries for assistant district attorneys 3,480,503”.

The amendment was **adopted**.

Ms. Walsh, Ms. Menard and Mr. Tarr moved that the bill be amended by inserting, after section ____, the following new sections:—

“SECTION ____ . Section 3 of chapter 258B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘court.’, in line 45, the first time it appears, the following sentence:— Before making a sentencing recommendation, the prosecutor shall provide the victim with a summary of the classification process conducted by the department of correction or the sheriff pursuant to sections 20, 20A or 21 of chapter 127 and the Code of Massachusetts Regulations on a form prepared by the department of correction. Such form shall also state that a copy of the defendant’s mittimus, tender of plea, if reduced to writing, and docket sheet, along with the telephone number of the correctional facility where the defendant will be initially incarcerated shall be made available by the victim-witness advocate to victims of crime, or family members thereof, for the crime committed by such defendant.

Said section 3 of said chapter 258B, as so appearing, is hereby further amended by adding the following clause:—

(w) for victims and family members, to be provided with a copy of the defendant's mittimus, tender of plea, if reduced to writing, and docket sheet along with the telephone number of the correctional facility where the defendant will be initially incarcerated by the victim-witness advocate.

SECTION _____. The provisions of section ____ of this act amending chapter 258B of the General Laws shall be known as 'Jason's Law.'.

SECTION _____. Notwithstanding any other general or special law to the contrary, and effective June 28, 1984, Patricia M. Walsh of 19 Jonathan Street in New Bedford, Massachusetts shall be eligible for the insurance benefits made available to the divorced or separated spouses of an employee or retiree who has such health insurance or coverage as provided in section 11A of chapter 32A.”.

The amendment was **adopted**.

Mr. Hart moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION _____. The South Boston Courthouse on East Broadway shall be designated as the Chief Justice Joseph F. Feeney Court House, in honor of Chief Justice Joseph F. Feeney's tireless dedication to the South Boston community and the judicial system in the Commonwealth. The Division of Capital Asset Management and Maintenance shall erect suitable markers bearing said designation in compliance with any applicable state or federal standards.”.

The amendment was **adopted**.

Mr. Baddour moved that the bill be amended by inserting the following new section:—

“SECTION _____. Item 1108-1011 of section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out the figure “\$478,073” and inserting in place thereof the following figure:— “\$513,149”.

The amendment was **adopted**.

Mr. Nuciforo moved that the bill be amended in section 2, in item 2800-0108, by inserting after the words “town of Framingham”, the following:— “provided further, that not less than \$30,000 shall be expended for the operation of Berkshire Grown the buy local campaign of Berkshire County;”; and by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,045,000”.

The amendment was **adopted**.

Ms. Jehlen moved that the bill be amended in section 2A, in item 2800-0108, by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “7,115,000”; and by inserting after the word “Gardener;” the following:— “provided further, that \$100,000 shall be expended for the improvement of Saxton J. Foss Park in the city of Somerville”; and in section 2E, in item 7004-0097, by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,068,000”; and by striking out the following:— “and provided further, that \$100,000 shall be expended for the improvement of Saxton J. Foss Park in the city of Somerville.”.

The amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in item 2511-2000 by inserting the following words:— “provided further, that \$200,000 shall be expended for a public/private program of matching funds between the Food Science Department of the University of Massachusetts Amherst and private food industry businesses with the purpose of establishing the research, scientific and regulatory frameworks to expand the creation and production of high value, high growth and high profitability functional foods and to stimulate growth and profitability in the food producing industries in Massachusetts; provided, however, that the food industry must provide at least a 100% match”; and by striking out the figure “\$3,000,000” and inserting in place thereof the following figure:— “\$3,200,000”.

The amendment was **adopted**.

Mr. Tisei moved that the bill be amended by inserting the following new section:—

“SECTION _____. Chapter 45 of the Acts of 2005 is hereby amended in item 7004-0099 by inserting at the end thereof the following:— “provided further, that not less than \$100,000 shall be provided to Housing Families, Inc. of Malden for the purposes of providing educational support programming for homeless children through the Children and Family Program”; and by striking out the figure “\$8,559,992” and inserting in place thereof the following figure:— “\$8,659,992”.

The amendment was **adopted**.

Mr. Joyce moved that the bill be amended in item 7004-9005 by inserting the following:— “; provided however, that the Department of Housing and Community Development shall not expend less than \$3,000,000 of the funds appropriated herein to increase by 6 percent the Department's allowable non-utility expense levels on all housing authority budgets for elderly and family public housing effective July 1, 2005”.

The amendment was **adopted**.

Mr. Buoniconti moved that item 7004-0099, of said section 2 of said chapter 45, is hereby amended by striking out the figure “\$8,559,992” and inserting in place thereof the following figure:— “\$8,659,992; and further be amended by inserting the following language:— “provided further, that \$100,000 shall be expended for the Partners for Community Corporation in Springfield.”.

The amendment was **adopted**.

Mr. Buoniconti moved that item 7004-0099, of said section 2 of said chapter 45, is hereby amended by inserting the following language:— “and provided further, that \$100,000 shall be expended for the Puerto Rican Cultural Center in Springfield.”.

The amendment was **adopted**.

Messrs. Montigny, Tisei and Ms. Jehlen moved that the bill be amended by inserting the following new sections:—

“SECTION _____. The second paragraph of section 3 of Chapter 23B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following clause:—

(w) in order to provide current, accurate, and detailed information on the residents of the state’s assisted housing, the department shall gather, compile, analyze and distribute data regarding the resources for, and beneficiaries of, housing permitted, constructed, preserved, or otherwise financed with state assistance, including privately-owned housing with public subsidy, and also including federal funds administered by the state. This data shall include, but not be limited to: location of housing; type of housing; number of bedrooms; accessibility; size of family; age and number of children, income level of households and race and ethnicity of those occupying said housing. This information shall be collected for comparison of racial composition and income distribution within census tracts. The department shall submit, within 180 days after the effective date of this act and annually thereafter, a report detailing the results of its data collection to the House and Senate committees on Ways and Means and the joint committee on housing and urban development. This data collection shall be coordinated with local and regional housing authorities, regional nonprofit housing agencies, and managers of state assisted housing. The state may partner with appropriate data collection entities, such as university research centers, in the timely performance of these duties.

SECTION _____. The department shall promulgate regulations enacting the provisions of section 1 within 90 days of the passage of this act.”

The amendment was **adopted**.

Mr. Brown moved that the bill be amended by adding a new section at the end thereof :—

“SECTION _____. Notwithstanding any general or special law to the contrary, section 3 of chapter 747 of the acts of 1981, which was amended by chapter 383 of the acts of 1996, is hereby further amended by inserting, in line 14, after the word ‘units’, the following words: — or for housing for persons fifty-five years of age or older.”.

The amendment was **adopted**.

Mr. Panagiotakos moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance is hereby authorized to sell and convey to the city of Lowell, for park and open space purposes a parcel of state-owned land together with all structures located thereon, located in the city of Lowell, subject to the requirements of this section. Said parcel, together with all structures located thereon, containing 4.931 acres, more or less, is shown as Parcel 3 a.k.a. the ‘public parcel’ on that certain plan entitled ‘Approval Not Required (“ANR”) Plan, Lawrence Mills Redevelopment, Lowell, Massachusetts’, Scale 1"=40', prepared by Harry R. Feldman, Inc., dated August 14, 2003 [Parcels 1, 3 and 5 Revised January 28, 2004, Parcels 3 & 4 revised and Parcel 7 added August 26, 2004, and Parcels 3, 4 & 7 Revised March 31, 2005] and recorded with the Middlesex (North) registry of deeds in plan book 218 at pages 56 and 57, hereinafter, the ‘park parcel’. Notwithstanding the foregoing, the park parcel may also be used for vehicular and pedestrian access and for the installation of utilities within the areas designated as PAU-1, PAU-3D and CRM-8, as shown on said plan, hereinafter collectively the ‘roadways’. As consideration for such conveyance, the city of Lowell shall be responsible for the care and maintenance of park parcel, including the care and maintenance of the roadways, and shall be responsible for the costs of any surveys (including, without limitation, the costs of preparing a recordable plan and the costs of recording said plan with the appropriate registry of deeds) and other expenses relating to the transfer of said park parcel deemed necessary by the commissioner for the conveyance of said park parcel to said grantee. In the event that the park parcel or any portion thereof other than the roadways ceases to be used for park and open-space, title to said park parcel shall revert to the commonwealth upon the recording of notice thereof in the appropriate registry of deeds. The city of Lowell is further authorized to establish a park maintenance fund for the care and maintenance of the park parcel and to collect from owners of properties adjacent to the park parcel such funds as such owners may have contracted with the commonwealth to provide for the park parcel.”

The amendment was **adopted**.

Mr. Panagiotakos moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the commissioner of the division of capital asset management and maintenance is hereby authorized to grant to the owner of the parcel shown as Parcel 1 on that certain plan entitled ‘Approval Not Required (“ANR”) Plan, Lawrence Mills Redevelopment, Lowell, Massachusetts’, Scale 1”=40’, prepared by Harry R. Feldman, Inc., dated August 14, 2003 [Parcels 1, 3 and 5 Revised January 28, 2004, Parcels 3 & 4 revised and Parcel 7 added August 26, 2004, and Parcels 3, 4 & 7 Revised March 31, 2005] and recorded with the Middlesex (North) registry of deeds in plan book 218 at pages 56 and 57, hereinafter, the ‘plan’, or to the successors and assigns of said owner, an easement over a portion of the parcel shown as Parcel 3 on said plan, said easement to be for the operation, maintenance, use, repair, and replacement of a sewer lift station for the benefit of the buildings located on said Parcel 1. The exact boundaries of said easement area are to be determined by the commissioner based upon a survey. As consideration for such grant of easement, the grantee shall be responsible for the costs of any surveys (including, without limitation, the costs of preparing a recordable plan and the costs of recording said plan with the appropriate registry of deeds) and other expenses relating to the grant of said easement deemed necessary by the commissioner for such grant of easement. The owner of said Parcel 1 and its successors and assigns from time to time shall be responsible for the operation, maintenance, use, repair, and replacement of said sewer lift station.” The amendment was **adopted**.

Ms. Resor moved that the bill be amended by adding at the end thereof the following section:—

“SECTION _____. Notwithstanding the provisions of any general or special law or regulation to the contrary, amounts expended from the Natural Heritage and Endangered Species Fund shall be exempt from fringe and indirect cost charges assessed pursuant to chapter 29 of the General Laws.”. The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended in section 26 by striking out the words “cigar and smoking tobacco”. The amendment was **adopted**.

Mr. Hart moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION _____. St. 2002, c. 184, s. 10 is hereby amended in the second sentence by adding at the end thereof the following:— ; and until the University and the Commission mutually agree to such compensation the Commission shall remain in occupancy and possession of the taken parcel.”. The amendment was **adopted**.

Mr. O’Leary moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION _____. Chapter 381 of the Acts of 2004 is hereby amended by striking out section 1 and replacing it with the following section:—

“Section 1. Upon the request of the municipal council, or board of selectmen, the county commissioners of Barnstable county may assume and exercise all of any portion of the powers of the town, including the board of health, under section 127B½ of Chapter 111 of the General Laws for the purpose of entering into agreements with owners of structures for human habitation for the repair, replacement or upgrade of septic systems required under the state environmental code pursuant to section 13 of chapter 21A of the General Laws.”. The amendment was **adopted**.

Mr. Tolman moved that the bill be amended, in item 0330-0318, in section 2A, by adding the following at the end:— “provided further, that not less than \$200,000 shall be provided to the Boston municipal court to fund treatment coordinators and support services for intensive probation, supervision and treatment initiatives to treat nonviolent, substance-abusing offenders”. The amendment was **adopted**.

Ms. Murray moved that the bill be amended in section 2, by inserting the following item:—

“0321-1500460,600”;

by inserting after section 3, the following 2 sections:—

“SECTION 3A. Section 1 of chapter 6 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out , in line 1, the figure ‘\$135,000’ and inserting in place thereof the following figure:— \$140,535.

SECTION 3B. Section 3 of said chapter 6, as so appearing, is hereby amended by striking out, in line 2, the figure ‘\$25,000’ and inserting in place thereof the following figure:— \$26,025.”; and by inserting after section 4 the following section:—

“SECTION 4A. Section 1 of chapter 9 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the figure ‘\$120,000’ and inserting in place thereof the following figure:— \$124,920.”; by inserting after section 10 the following section:—

“SECTION 10A. Section 1 of chapter 11 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the figure ‘\$120,000’ and inserting in place thereof the following figure:— \$124,920.”; and by inserting after section 158 the following section:—

“SECTION 158A. Sections 3A, 3B, 4A, 7, 10A and 11 shall take effect as of July 1, 2005.”.
The amendment was **adopted**.

Mr. Barrios moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure “\$1,075,000” and inserting in place thereof the following figure:— “\$1,175,000”; and by inserting the following new section:—

“SECTION ____ . Item 7007-0900 of said section 2 of said chapter 45 is hereby amended by striking out the words ‘provided further, that not less than \$200,000 shall be expended for a grant for From the Top, Inc.’ and inserting in place thereof the following words:— provided further, that not less than \$300,000 shall be expended for a grant for From the Top, Inc.”.
The amendment was **adopted**.

Mr. O’Leary moved that the bill be amended in section 2A by inserting, after item 4125-0102, the following new item:—

“Division of Energy Resources.

XXXX-XXXX

For the operation of the division of energy resources 1,041,404”;

and by adding at the end thereof the following section:—

“SECTION ____ . Item 7006-1000 of said section 2 of said chapter 45 is hereby amended by striking out the figure ‘\$1,441,404’ and inserting in place thereof the following figure:— \$400,000”.
The amendment was **adopted**.

Ms. Menard moved that the bill be amended by inserting the following outside section:—

“SECTION ____ . Section 4 of Chapter 703, as most recently amended by section 116 of Chapter 653 of the Acts of 1989, is hereby further amended by striking out paragraph (n) and inserting in place thereof the following new paragraph:

(n) To invest any funds held by it pending disbursement in such investments as may be lawful for fiduciaries in the Commonwealth.”

The amendment was **adopted**.

Mr. Lees moved that the bill be amended by inserting the following item:—

“7035-0123

For grants to be administered by the department of education to provide grants to junior achievement organizations in the commonwealth; provided, that said grants shall be for programs and services that expand the participation and involvement in educational opportunities and activities for youths throughout the commonwealth 500,000”.

The amendment was **adopted**.

Mr. Berry moved that the bill be amended in item 7066-0115 by striking out, in line five, the figure “\$9,000,000” and inserting in place thereof the following figure:— “\$7,000,000”; by striking out, in line six, the figure “\$2,500,000” and inserting in place thereof the following figure:— “\$3,000,000”; by striking out, in line seven, the figure “\$1,500,000” and inserting in place thereof the following figure:— “\$3,000,000”; and by adding at the end thereof the following:— “provided that if any funds allocated herein for disbursement to state and community college campuses be unused, such remaining funds shall be made available to university of Massachusetts campuses.”.

The amendment was **adopted**.

Messrs. Antonioni and Augustus moved that the bill be amended by inserting, after section 117, the following section:—

“SECTION 118. Item 7061-9408 of said section 2 of said chapter 45 is hereby amended by striking out the words “and submit said implementation plan to the department not later than January 15, 2006; provided further, that the department shall review all qualifying implantation plans and determine eligibility for Expanded Learning Time implementation funding not later than February 15, 2006;” and inserting in place thereof the following words:— “and submit said implementation plan to the department not later than April 14, 2006; provided further, that the department shall review all qualifying implementation plans and determine eligibility for Expanded Learning Time implementation within 30 days of the submission of the plan; provided further, that the department may require districts to submit implementation plan documentation prior to April 14, 2006;”.

The amendment was **adopted**.

Messrs. Pacheco and Knapik moved that the bill be amended by adding the following new section:—

“SECTION ____ . Section 29 of Chapter 45 of the Acts of 2005 is hereby amended by striking out paragraph 5 and replacing it with the following:—

(4) effective July 1, 2005, an annual amount of \$17,000,000 to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by said executive office, in consultation with the division of health care finance and policy, that meet quality standards established by the executive office of health and human services in conjunction with the department of public health and the division of health care finance and policy for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes, and to fund rate adjustments to eligible nursing homes that meet utilization standards established by the executive office of health and human services in consultation with the division of health care finance and policy for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing home residents of non-institutional settings; provided that not less than \$3,000,000 of the annual amount of \$17,000,000 authorized in this paragraph shall be utilized to fund operating or capital rate adjustments for publicly operated nursing homes;”.

The amendment was adopted.

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

There being no objection, the following amendments were considered as one, and *rejected* to wit:

Messrs. Tarr and Baddour moved that the bill be amended by inserting, in section 129, after the word “town”, the following:— “and provided further, that not less than \$170,000 shall be expended to upgrade communications equipment for the police department in the town of North Andover;”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in item 2800-0108 by inserting after the words “city of Brockton” the following words:— “provided further, that \$2,500,000 shall be expended for improvements to the Greenleaf Community Center;”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2 by inserting in item 7004-9005 the following:— “For economic grants to municipalities; provided further, that \$50,000 shall be expended to the Salisbury Historical Society to complete a historic building restoration and create a town history museum and visitors center at Parson’s Corner in Salisbury;”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION ____ . Item 7000-9101 ‘provided further, that \$15,000,000, with a 2:1 match requirement, shall be expended to complete the rehabilitation of the historic McKim Building, at the Boston Public Library.’.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting in item 0526-0910, after the words “town of Whitinsville”, the following:— “and provided further, that not less than \$450,000 shall be expended for the acquisition, restoration and preservation of historic Butters Farm in the town of Wilmington;”; and by striking out the figure “\$44,008” and inserting in place thereof the following:— “\$494,008”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 6005-0030 by inserting, after the words “of the event”, the following:— “; provided further, that not less than \$70,000 shall be expended for the planning, design, and construction of a pedestrian pathway from Bridge Street to Essex Street in the town of Hamilton;”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting, in item 0526-0910, after the words “town of Whitinsville”, the following:— “and provided further, that not less than \$103,000 shall be expended for the planning, design, and construction of a new roof for the public library in the town of Ipswich;” ; and to strike out the figure “\$44,008” and inserting in place thereof the following:— “\$147,008”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2A by inserting, after item 4125-0102, the following item:—

“Department of Housing and Community Development.

7004-0093

For the revitalization of downtown Hingham due to the negative impact the restoration of the MBTA Greenbush Commuter Rail

has had on local downtown Hingham businesses 75,000".
The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2A, in item 2800-0108, by inserting, after the word "Brockton", the following— "provided further, that \$500,000 shall be expended for the reconstruction and rehabilitation of the seawall located at M Street Beach.".
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2A by striking out item 6005-0030 and inserting in place thereof the following item:—

"6005-0030

To provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that \$336,000 shall be expended for the Bolivar Street project in the town of Canton; provided further, that \$40,000 shall be expended for flood control on Forest Road in Millis; provided further, that \$350,000 shall be expended for the reconstruction and repaving of Route 133 in Boxford from the Georgetown/Boxford town line to West Boxford Center; provided further, that \$500,000 shall be expended for the Route 97 intersection project in the town of Wenham; provided further, that \$45,000 shall be expended for improvements to the sidewalk on North Main Street in Sherborn to meet the standards of the Americans with Disabilities Act; provided further, that \$100,000 shall be expended for the Old Center/Common project in North Andover; provided further, that \$100,000 shall be expended for the rehabilitation of the Fisher Street Bridge in the town of North Attleboro; provided further, that \$100,000 shall be expended for the redesign and engineering of the intersection of Chestnut Street and Route One in the town of North Attleboro; provided further, that \$80,000 shall be allocated for the construction of a crosswalk along the border of the town of Lexington and the city of Waltham; provided further, that \$795,000 shall be expended for the renovation of the Rockland Street Bridge in the town of Wellesley; provided further, that not less than \$100,000 be expended for improvements to the Memorial Bridge Rotary in West Springfield; provided further, that \$16,000 shall be expended to improve, upgrade, and repair traffic signals at the intersection of Route 16 and Hopedale Street in Hopedale; provided further, that \$150,000 be expended for sidewalk construction and improvement on the Lynn Fells Parkway in the town of Saugus between the Main Street intersection and the Saugus/Melrose line; provided further, that \$100,000 shall be expended for the repaving of Paradise Road in Swampscott; provided further, that \$250,000 shall be expended for roadway and infrastructure improvements on Essex Street from Danvers Road to the Lynn line in Swampscott; provided further, that \$50,000 shall be expended for a feasibility study of the Blackstone Valley Regional Salt Shed in the town of Sutton; provided further, that \$200,000 shall be expended to restore and expand 2B Oak Street in the town of Medway; provided further, that \$90,000 shall be expended for sidewalk construction in the town of Ashland; provided further, that \$50,000 shall be expended on the planning, design and construction of sidewalks on Route 22 in the town of Wenham; provided further, that \$50,000 shall be expended for the South Main Street improvement project in the town of Middleton; provided further, that \$118,334 shall be expended for the emergency reconstruction of Route 68 in the town of Royalston; provided further, that \$13,000 shall be expended for funds to reimburse the town of Royalston for expenditures regarding the breach of a beaver dam that caused the collapse of Route 68 in the town; provided further, that \$250,000 be expended for the design and construction of a south-bound ramp for Route 495 in the towns of Mansfield and Norton; and provided further, that the bicycle program within the executive office of transportation, in collaboration with the official sponsor of the event, state, regional and local agencies and cities and towns, shall so accept the established bicycle route of the Pan Mass Challenge, so-called, and shall so designate and mark the bicycle route by means of signs bearing the official logo of the event; provided further, that \$200,000 shall be expended for the construction of municipal parking in the town of Cohasset to offset lost parking due to the restoration of the Greenbush commuter rail 4,083,334".

The amendment was *rejected*.

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2E, in item 0526-0910, by adding at the end thereof the following words:— "provided further, that \$100,000 shall be expended for historic preservation repairs at the Bacon Free Library in Natick."; and by striking out the figure "\$44,008" and inserting in place thereof the following figure:— "\$144,008".
The amendment was *rejected*.

Mr. Augustus moved that the bill be amended in section 2A, in item 2800-0108, by adding the following:— "provided that \$250,000 shall be expended to the town of Grafton for costs associated with the Lake Ripple dredging project.".
The amendment was *rejected*.

Mr. Augustus moved that the bill be amended in section 2A, in item 2800-0108, by striking out the figure "\$7,015,000" and inserting the following figure:— "\$7,165,000."; and by adding at the end thereof the following:— "provided that \$150,000 shall be expended for the Jordan Pond Project in the town of Shrewsbury.".
The amendment was *rejected*.

Mr. Augustus moved that the bill be amended in section 2A, in item 2800-0108, by striking out the figure "\$7,015,000," and inserting the following figure:— "\$7,165,000,."; and by inserting at the end thereof the following:— "provided further, that \$150,000 be expended for design and construction of Pakachoag Meadows in Auburn.".
The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in section 2E by inserting, after item 7004-0097, the following new item:—

“7115-0102

For the one-time costs associated with installation of a steam turbine electric generation system, and two one-megawatt diesel generators and diesel storage tank, as apart of the Power Plant Cogeneration Project at Westfield State College 1,500,000”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in section 2E by inserting, after item 7004-0097, the following new item:—

“7115-0101

For the one-time costs associated with the removal and either restoration or replacement of the synthetic track and field surface at Westfield State College 2,500,000”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in item 7004-0097 by inserting the following language:— “provided further, that not less than \$400,000 be expended for the construction of the so-called Springfield Public Market in Springfield.”.

The amendment was *rejected*.

Mr. Augustus moved that the bill be amended in section 2, in item 7004-9005, by striking out the figure “\$7,748,698” and inserting the following figure:— “\$7,989,182,”; and by inserting at the end thereof the following:— “provided further, \$240,484 shall be expended for the Worcester Housing Authority to install security cameras and make critical security upgrades to secure the Lake Side Public Housing Development in Worcester.”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in item 2800-0108, at the end thereof, by inserting the following words:— “; and provided further, that \$200,000 shall be expended to reconstruct the parks and fields in the town of Medway”; and by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,215,000”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2A by inserting, after item 2800-0108, the following item:—

“2800-0730

For the demolition of abandoned structures, which pose a serious public safety risk if left standing, located in the 125-acre Hingham Annex of the former Naval Ammunition Depot within Wompatuck State Park 200,000”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2E, in item 7004-0097, at the end thereof, by adding the following words:— “provided further, that \$75,000 shall be expended for roof and stairway repairs on the Danforth building in the town of Framingham.”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,243,000”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in item 2800-0108, at the end thereof, by inserting the following words:— “; and provided further, that \$1,000,000 shall be expended to the Town of Holliston towards acquisition and/or other improvement costs in connection with the rail trail from the Town of Sherborn through a portion of the Town of Holliston”; and by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$8,015,000”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2, in item 7004-9005, by inserting the following:— “; provided further, that \$700,000 shall be expended for the Newburyport Affordable Housing Corporation in Newburyport”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2 by inserting, in item 7004-9005, the following:— “For economic grants to municipalities; provided further, that \$50,000 shall be expended for the Amesbury Carriage Alliance in the Amesbury lower milliard to preserve and renovate an existing building into a carriage museum, visitors center and artisans center;”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2 by inserting, in item 6010-0001, the following:— “provided further, that no less than \$1,000,000 shall be expended for the installation of jersey barriers or guard rails on route 213 from interstate 495 to interstate 93 in the City of Methuen.”.

The amendment was *rejected*.

Messrs. Baddour and Tarr moved that the bill be amended in section 2 by inserting, in item 7004-0097, after the words “Manning Bowl in the city of Lynn;” the following:— “; provided further, that not less than \$180,000 shall be expended for improvements

to the Stevens Library in North Andover;”.
The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2, in item 2800-0108, by inserting after the words “ in the City of Brockton;” the following:— “ provided further, that \$100,000 shall be expended for the design and construction of a boardwalk along Salisbury Beach;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2E, in item 6005-0030, at the end thereof, by inserting the following words:— “; and provided further, that \$200,000 shall be expended for the construction of a new highway barn and salt shed in the town of Medway”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$4,083,334”.
The amendment was *rejected*.

Ms. Spilka moved to amend bill in section 2A, in item 2800-0108 at the end thereof, by adding the following words:— “provided further, that \$100,000 shall be expended to the town of Medway for storm damage.”; and to further amend the item by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,115,000”.
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2A by inserting, after item 2800-0108, the following item:—

“Office of Waterways.

2810-1104

For the purpose of repair and rehabilitation of the Point Allerton Seawall in Hull due to the unsafe and failing condition of the seawall which was exacerbated by the major storm of May 25, 20052,250,000”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in item 2800-0108, at the end thereof, by inserting the following words:— “; and provided further, that \$200,000 shall be expended to rehabilitate the Choate Park Dam in Medway”; and to further amend item 2800-0108 by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,215,000”.
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2A by inserting, after item 2800-0108, the following item:—

“2810-1511

For a grant program to fund the rehabilitation, reconstruction and construction of seawalls; provided, that preference for funding for the rehabilitation and construction of said seawalls shall be given to those areas that pose and immediate hazard to public safety; provided further, that pursuant to damage caused by the May 25, 2005 storm, no less than \$500,000 shall be made available to the Town of Marshfield and \$500,000 shall be made available to the Town of Scituate; provided further, that no less than \$500,000 shall be made available to the Town of Hull; provided further, that no less than \$500,000 shall be provided to the Town of Cohasset5,000,000”.
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2E, after item 7004-0097, by inserting the following item:—

“7004-0099 provided further, that \$65,000 shall be expended to the Mansfield Housing Authority for completion of necessary capital projects 65,000”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in item 2800-0108, at the end thereof, by inserting the following words:— “; and provided further, that \$100,000 shall be expended to the Town of Holliston for costs and expenses relative to storm and flood damage, a water emergency situation, and other extraordinary or emergency items as determined by the Holliston Board of Selectmen”; and to further amend item 2800-0108 by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,115,000”.
The amendment was *rejected*.

Messrs. Hedlund and Tarr moved that the bill be amended in section 2A by inserting, after item 2800-0108, the following item:—

“Office of Waterways.

2810-0103

For the dredging of waterways or purchase of dredging equipment; provided, that preference of funding for the dredging of these

waterways shall be allocated based on hazard to public safety or impact to local economy 10,000,000".
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2E, in item 7004-0097, by adding the following:— "provided further, that \$250,000 shall be expended to the Avon Housing Authority for the purpose of the re-pavement of fellowship circle and other housing authority lots in the Town of Avon"; and in section 2E, in item 7004-0097, by striking out the figure "\$12,168,000" and inserting in place thereof the following figure:—"\$12,418,000".
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2A, in item 7035-0004, by inserting the following:— "provided further, that \$100,000 shall be expended to the Easton public schools for the purpose of the funding of new computers and equipment"; and in section 2A, in item 7035-0004, by striking out the figure "\$66,000" and inserting in place thereof the following figure:—"\$166,000".
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2A, in item 2800-0108, by adding the following:— "; and provided further, that not less than \$1,500,000 shall be utilized to create recreational ballfields and related parking and infrastructure at the recently remediated 45 acre Department of Conservation and Recreation site known as Indian Line farm adjacent to Ponkapoag golf course in Canton"; and, in section 2A, in item 2800-0108, by striking out the figure "\$7,015,000" and inserting in place thereof the following figure:— "\$8,515,000".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended, in item 6005-0030, by inserting the following at the end thereof:— "; provided further, that \$2,500,000 be expended for infrastructure improvements to the intersection at the Plainville Crossing Commercial Center in the town of Plainville".
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure "\$1,075,000" and inserting in place thereof the following figure:— "\$1,125,000"; and by inserting at the end thereof the following:— "; provided further, that \$50,000 shall be transferred to the town of Spencer for the purchase of property to provide parking in the downtown area".
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2E, in item 6005-0030, by striking out the figure "\$3,883,334" and inserting in place thereof the following figure:— "\$3,928,334"; and by adding at the end thereof the following:— "; provided further, that \$45,000 shall be transferred to the town of Monson for resurfacing of Lower Hampden Road;".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended, in item 7004-0097, by inserting the following at the end thereof:— "; provided further, that \$225,000 shall be expended to the town of Wayland for a generator for the purpose of emergency evacuation".
The amendment was *rejected*.

Messrs. Antonioni and Brewer moved that the bill be amended in section 2E by inserting, after the item 7509-0102, the following item:—

"7509-0104

For the construction of a new automotive technology building at Mount Wachusett Community College 3,500,000".
The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2, in item 6005-0030, by striking out the figure "\$3,883,334" and inserting in place thereof the following figure:— "\$4,183,334"; and by inserting at the end thereof the following:— "provided further, that not less than \$300,000 be expended for paving and sidewalks for the Route 2 Connector road".
The amendment was *rejected*.

Mr. Tisei moved that the bill be amended in section 2E, in item 7004-0097, by inserting the following:— "provided further, that not less than \$80,000 shall be expended for improvements and renovations to municipal fields in the town of Stoneham", and by striking out the figure "\$12,168,000" and inserting in place thereof the following figure:— "\$12,248,000".
The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2A, in item 7004-0097, by inserting after the words "in the town of Beverly;" the following words:— "provided further, that not less than \$75,000 be expended for the Greater Gardner Community Development Corporation; provided further, that not less than \$250,000 be expended for a joint housing rehabilitation project in the City of Gardner and the Town of Templeton;"; and by striking out the figure "\$12,168,000" and inserting in place thereof the following figure:— "\$12,493,000".
The amendment was *rejected*.

Messrs. Buoniconti, Lees and Knapik and Ms. Spilka moved that the bill be amended by inserting the following outside section:—

“SECTION _____. In accordance with the measures originally authorized in Chapter 12 of the Acts of 1996, not less than \$6,000,000 shall be expended, through DCAM, for the construction of the 56 cell ‘alternate unit’ of the Hampden County Women’s Correctional Facility that will be built in Chicopee.”.

The amendment was *rejected*.

Messrs. Joyce and Creedon moved that the bill be amended in section 2E, in item 7004-0097, by adding the following:— “; and provided further, that not less than \$250,000 shall be expended for the improvement of recreational sites in the town of West Bridgewater”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:—”\$12,418,000”. The amendment was *rejected*.

Mr. Tisei moved that the bill be amended in section 2, in item 8324-0000, by striking out the figure “\$50,000” and inserting in place thereof the following figure:— “\$100,000”; and in section 126, by inserting at the end thereof the following words:— “; and provided further, that not less than \$50,000 shall be expended for upgrades to the fire alarm system at Wakefield High School”.

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended in section 2E, in item 6005-0030, by inserting the following:— “provided further, that not less than \$50,000 shall be expended for crosswalk repainting in the town of Stoneham”.

The amendment was *rejected*.

Mr. Brown and Ms. Spilka moved that the bill be amended, in item 7007-0900, by inserting the following at the end thereof:— “; provided further, that \$1,000,000 be expended for capital investments, subject to 1:1 matching requirements, in the historic former fire house for the Natick Center for the Arts that will create economic development in the Downtown Natick business district.”.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2E, in item 6005-0030, by inserting after the words “in the towns of Mansfield and Norton;” the following words:— “provided further, that \$450,000 be expended for the reconstruction of the Bernhardt Road Bridge in the town of Ashby;”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$4,333,334”.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2E by inserting, after the item 7004-0097, the following item:—

“7110-0102

For the construction of a new science and technology building at Fitchburg State College 40,000,000”.

The amendment was *rejected*.

Mr. Tolman moved that bill be amended, in item 1599-3748, by inserting at the end thereof the following:— “provided further, that not less than \$15,000,000 be expended for the Massachusetts College of Art for the purpose of funding the rehabilitation of the school’s outdated gymnasium space and thereby facilitate the development of the Design and New Media Center to provide studio and teaching spaces for students through a professional working environment”.

The amendment was *rejected*.

Ms. Chandler and Mr. Augustus moved that the bill be amended in section 2E, in item 7004-0097, by inserting at the end thereof the following wording:— “; and provided further, that \$205,000 shall be expended for the Major Taylor Memorial in Worcester”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,373,000”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in item 2100-0108 in section 2A, by adding at the end thereof, the following:— “provided further, that not less than \$1,500,000 shall be expended for all costs associated with the Blackstone River Bikeway including, but not limited to, engineering, design, land acquisition, construction and permitting; provided further, that the department of conservation and recreation shall be responsible for the Blackstone River Bikeway and may enter into agreements with local communities, as well as, private non profit organizations for the care and maintenance of the Blackstone River Bikeway; and that the amount of \$7,015,000 be deleted and the amount \$7,016,500 be inserted in place thereof.”

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended in section 2A in item 2800-0108 by inserting after the words: “Manning poll in the city of Brockton” the following:— “\$100,000 shall be expended for the design and construction of a permanent bandstand or gazebo on the grounds of sunset lake in the town of Braintree”.

The amendment was *rejected*.

Messrs. Berry and Tarr moved that the bill be amended by adding the following:—

“7114-0100 For the construction of a Performing Arts Center 15,000,000”.

The amendment was *rejected*.

Mr. Havern and Ms. Jehlen moved that the bill be amended in section 2, in item 7004-0097, by inserting the following at the end thereof:— “provided further, that \$40,000 shall be expended to the Woburn Redevelopment Authority for improvements to an elevator to meet the standards of the Americans with Disabilities Act;”.

The amendment was *rejected*.

Mr. Berry moved that the bill be amended in item 8000-0015 by adding after the word “program” the following:— “not less than \$130,000 shall be expended for the Salem Harbormaster in the City of Salem for the purpose of purchasing an additional patrol boat.”; and by striking out , in line nineteen, the figure “\$7,000,000” and inserting in place thereof the following figure:— “\$8,300,000.”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2A, in item 2800-0108, by inserting after the word “Brockton” the following:— “provided further, that \$250,000 shall be expended for the Devine Skating Rink in the City of Boston to excavate and repave the parking lot.”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2A, in item 2800-0108, by inserting, after the word “Brockton”, the following:— “; provided further, that not less than \$500,000 shall be expended for the repairs to the Lewis Bay Boat Ramp in the village of Hyannis.”; and by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$7,515,000”.

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended, in item 0526-0910, by inserting the following words:— “provided further, that \$100,000 shall be expended for the Lilly Library in the Florence section of the city of Northampton for historic preservation, reconstruction, window installation and brick re-pointing and cleaning”; and by striking out the figure “\$44,008” and inserting the following figure:— “\$144,008”.

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended, in item 7004-0097, by inserting the following words:— “provided further, that \$7,000,000 shall be expended for demolition and clean up costs at the former Northampton State Hospital to expedite economic development projects;”; and by striking out the figure “\$12,168,000” and inserting the following figure:— “\$19,168,000”.

The amendment was *rejected*.

Mr. Nuciforo moved that the bill be amended by inserting at the end thereof the following section:—

“SECTION X. Section 2 of chapter 294 of the Acts of 2002 is hereby amended by striking out the word ‘2005’, and inserting in place thereof the following:— 2006”.

The amendment was *rejected*.

Ms. Chandler and Mr. Augustus moved that the bill be amended by inserting, after section ___, the following new section:—

“SECTION ___. Section 31 of chapter 45 of the acts of 2005 is hereby amended by striking out the wording ‘The secretary shall provide a \$300,000 one-time grant from the fund for Great Brook Valley Health Center in Worcester.’ and inserting in place thereof the following wording:— The secretary shall provide a \$600,000 one-time grant from the fund for Great Brook Valley Health Center in Worcester.”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended by adding the following new section:—

“SECTION XX. For the reestablishment of Trial Court Child Care Programs and services; provided further, that the Department of Early Education and Care develop a plan to reestablish said programs serving all or some of the following Courthouses: Brockton District Court, Chelsea District Court, Dorchester Municipal Court, Edward W. Brooke Court, Edward J. Sullivan Court, Fall River District Court, Lawrence District Court, Roxbury District Court, Springfield District Court and West Roxbury Municipal Court; provided further, that funds from this appropriation shall be used for planning grants of no less than \$40,000 with agencies that were previously under contract with the former Office of Child Care Services in 2002 and shall be awarded to said agencies before January 2006 to fund costs associated with reopening these centers; Provided further that the plan include, but not be limited to, the costs associated with reopening these centers; provided further, that the plan be submitted to the clerk of the house of representatives no later than March 31, 2006; provided further, that the Statewide Advisory Committee on Trial Court Child Care Project shall be re-established by December 31, 2005 to advise the Commissioner, assist with the development

of the plan, and coordinate efforts with the Trial Court; said Committee shall include, but not be limited to representatives from Judges, Probation Department and other court personnel and may include a representative from each of the funded agencies which provided Trial Court Child Care programs and services in fiscal year 2002;”.
The amendment was *rejected*.

Mr. Buoniconti moved to amend the bill by inserting the following language:—

“SECTION ____ . Item 4406-3000 of Chapter 45 of the Acts of 2005 is hereby amended by inserting after the words ‘percentage share of funds in fiscal year 2005’ the following language:— provided further, that not less than \$250,000 shall be expended for Open Pantry Community Services, Inc in the City of Springfield.”.
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 1410-0010, by striking out the figure “\$170,500” and inserting in place thereof the following figure:— “\$270,500” ; and in section 77 by inserting at the end thereof the following:— “; provided further, that \$100,000 be provided to the City of Worcester for the Vietnam Veterans Memorial”.
The amendment was *rejected*.

Messrs. Rosenberg, Brewer, O’Leary, and Panagiotakos moved that the bill be amended by adding the following new line item:—

“7066-XXXX For the establishment within the Board of Higher Education of the Welcome Home Tuition and Fee Waiver Trust for funds appropriated by the Commonwealth for the purpose of paying said waivers granted to qualified National Guard members who attend state higher education institutions. Individual campuses will submit to the Board of Higher Education for reimbursement of waivers granted under the ‘Welcome

Home’ bill, so-called 2,000,000”.
The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 77 by inserting, after the words “city of Worcester”, the following:— “that not less than \$100,000 shall be provided for a plaque celebrating the commitment and sacrifices that African American veterans from Massachusetts have made to the country at the General Edward O. Gourdin, Sr. Veterans Memorial Park in Dudley Square in the Roxbury section of the city of Boston.”.
The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in item 4512-0200 of section 2 of said Chapter 45 at the end thereof, by inserting the following language:— “Provided further, not less than \$125,000 shall be expended to assist Phoenix House, a private non profit substance abuse treatment and prevention organization, to establish an adolescent outpatient substance abuse treatment facility in Hampden County;”.
The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 105 by adding, at the end thereof, the following:— “provided further, that \$100,000 shall be expended for the prevention of substance abuse in the town of Saugus.”.
The amendment was *rejected*.

Mr. Knapik moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION ____ . Notwithstanding any general or special law to the contrary, pursuant to Chapter 111 of section 51 of the General Laws, the department of public health shall expend an amount not less than \$1,400,000, for the renovation of the Residential Detoxification Unit at the Sisters of Providence Behavioral Health Hospital in Holyoke.”.
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2 by inserting, after item 4510-0150, the following item:—

“4510-0710 For the Department of Public Health to support research to determine the need for home and community based services and an economic profile of individuals and families with neurologically and physically disabled adults under 65 120,000”.
The amendment was *rejected*.

Ms. Walsh and Ms. Wilkerson moved that the bill be amended by inserting, after section ____, the following new sections:—

“SECTION ____ . Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$91,000,000 from the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the Substance Abuse Treatment and Homelessness Prevention Fund established pursuant to section 35BB of chapter 10 of the General Laws.

SECTION ____ Chapter 10 of the General Laws is hereby amended by inserting after section 35AA the following section:—

Section 35BB. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Substance Abuse Treatment and Homelessness Prevention Fund. Amounts credited to the fund shall be expended, without further appropriation, by the department of public health to provide funding for the following purposes, including any personnel related or other administrative costs, in addition to any state, federal or private funds received through appropriation or grant:

(1) for a comprehensive substance abuse treatment program for the treatment of individuals who are dependent on or addicted to alcohol or controlled substances, or to both alcohol and controlled substances, and who lack public or private health insurance that would provide coverage for such treatment;

(2) for a comprehensive program to assist homeless individuals and families. For the purposes of this section, homeless shall include: (1) persons who are homeless and disabled by alcohol or drug addiction, mental illness, chronic physical illness or disability or developmental disability; (2) persons who are homeless who have frequent histories of hospitalization, unstable employment and incarceration; (3) persons who use shelters repeatedly or infrequently; and (4) persons who satisfy any other definition of homeless under any other federal or state law, rule, or regulation;

(3) subject to the approval of the department of public health, for substance abuse treatment programs administered by the office of community corrections, the department of correction, the department of social services, the department of youth services, the commissioner of probation, and the drug court department of the Boston municipal court and other district courts to the drug court program to treat substance-abusing offenders;

(4) subject to the approval of the department of public health, for comprehensive school health education programs to be administered by the department of education; provided, however, that such programs shall incorporate information relating to the hazards of alcohol and controlled substances use; and

(5) for community and for workplace-based substance abuse prevention and drinking cessation programs, for substance abuse-related public service advertising and for drug and alcohol education programs to be administered by the department of public health.

(b) The commissioner of public health may expend up to 50 per cent of the revenue credited to the fund each year, less the aforementioned administrative and personnel related costs, to provide substance abuse treatment and prevention programs, either directly or through contract, which may include but shall not be limited to: prevention service programs; short and long-term residential treatment programs; ambulatory service programs, including outpatient counseling, day treatment and intensive outpatient treatment programs, opioid treatment and acupuncture services; compulsive gambling services; aftercare and recovery support services; abuse shelters and post detoxification, pre-recovery programs; driving under the influence programs, including first offender driver alcohol education programs, second offender 14-day residential program for driving under the influence of alcohol and second offender aftercare programs; and, treatment, including detoxification and subsequent clinical treatment, for persons who are homeless and disabled by alcohol or drug addiction.

(c) The commissioner of public health, after consultation with the commissioner of the department of transitional assistance, may expend up to 50 per cent of the revenue credited to the fund each year, less the aforementioned administrative and personnel related costs, in providing homelessness assistance and prevention programs, either directly or through contract, which may include but shall not be limited to: programs that assist individuals and families who are homeless or in danger of becoming homeless, including assistance to organizations that provide food, shelter, housing search and limited related services to the homeless and indigent prevention service programs; for expanding the following services provided by the emergency assistance program: (i) contracted family shelters, (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes, Essex and Nantucket counties, (iv) residential education centers for single mothers with children; (v) intake centers, and (vi) voucher shelters; homelessness prevention and discharge planning services, data gathering assistance, affordable housing, abuse shelters; and treatment, including detoxification and subsequent clinical treatment, and for persons who are homeless and disabled by alcohol or drug addiction.

The commissioner shall further assist cities and towns that provide programs to aid and prevent homelessness, either directly or through contract, through a municipal grant program consisting of an amount to be determined annually by the commissioner from the revenue credited to the fund under this subsection (c).

In awarding grants through regulations promulgated to implement this subsection, the commissioner may consider the following criteria set forth herein to determine the total points for each grant application, a municipality's population density per square mile, the percent of households below the poverty level within the municipality, the median income for families and unrelated individuals within the municipality, and the number of uninsured residents as a percentage of the municipality's population as measured by the latest division of health care finance and policy statistics. The commissioner may award up to 10 additional points to a municipality that has voted to override a local debt limit or property tax limit for the purpose of providing funds to help treat or prevent substance abuse or homelessness in the preceding 2 fiscal years.

Notwithstanding any general or special law to the contrary, grants awarded through this municipal grant program may be for up to 90 per cent of the total cost of the approved project, including planning, design, award and implementation. For the purposes of this section, municipalities shall be divided into deciles based on the relative ranking of equalized property valuations per capita of all municipalities in the commonwealth, as determined by the secretary of administration and finance. Municipalities in the decile ranking of the lowest property valuations per capita shall be eligible annually for up to 90 per cent state reimbursement of the total approved cost, and municipalities in each subsequently higher decile shall be eligible for up to 3 per cent less than the immediately preceding decile. The commissioner may grant up to an additional 10 per cent annually to the percentage a municipality is eligible for, as determined by this subsection, if the commissioner determines the municipality is of extreme critical need.

The commissioner shall set aside 30 per cent of the amount set aside for such municipal grant program for the purposes of awarding grants to municipalities that are included within the lowest 3 deciles of equalized property valuations per capita of all municipalities in the commonwealth. The commissioner shall actively encourage applications from the municipalities and shall provide technical assistance to the municipalities to assist with the application process.

The total amount expended shall be determined annually by the commissioner in a manner that distributes the maximum amount available to each participating municipality.

The commissioner may use revenue set aside for the municipal grant program for any necessary administrative expenses incurred in administering said program. After distributing revenue in accordance with said program and after the commissioner has accounted for any administrative expenses, any remaining revenue shall be kept in the trust fund for distribution in the following year.

A city or town that receives a grant under this section may issue, from time to time, general obligation bonds or notes in anticipation of revenues to be received under this section. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after the revenues are collected as is expedient. Cities or towns that issue bonds shall make every effort to limit the administrative costs of issuing the bonds by cooperating among each other using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Bonds or notes issued pursuant to this section shall be subject to chapter 44. The maturities of bonds or notes issued under this section may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.”

The amendment was *rejected*.

Mr. Moore moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION XX. Item 1102-3205 of section 2 of chapter 45 of the Acts of 2005 is hereby amended by inserting, at the end thereof, the following:— “provided further, that the sum of \$737,000 received from the town of Southbridge the town for the purchase price and associated costs of the armory building and the surrounding land shall be reimbursed to the town of Southbridge, and that said armory shall remain the property of the town.”.

The amendment was *rejected*.

Messrs. Moore and Tarr moved that the bill be amended by adding the following new section:—

“SECTION XX. Item 4590-0250 of section 2 of chapter 45 of the Acts of 2005 is hereby amended by striking out the phrase, ‘provided further, that not less than \$12,000,000 shall be expended for school nurses and school based health centers,’ and inserting in place thereof the following new phrase:— provided further, that not less than \$16,000,000 shall be expended for school nurses and school based health centers,”; and by striking out the figure “\$14,718,309” and inserting in place thereof the following figure:— “18,718,309”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in item 8000-0015 by inserting after the words “administration of this grant program” the following words:— “provided further, that \$100,000 shall be provided to the law enforcement memorial fund;”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting at the end thereof the following section:—

“SECTION _____. Item 8000-0010 of section 2 of chapter 45 of the acts of 2005 is hereby amended by inserting at the end thereof the following words:— provided further, that \$95,432 shall be expended for the Springfield Crime Alert Network and that this funding shall be in addition to monies appropriated for community policing grants for the city of Springfield”.

The amendment was *rejected*.

Mr. Barrios, Ms. Jehlen and Mr. Brown moved that the bill be amended by inserting the following new section:—

“SECTION ____ . Item 8950-0008 of said section 2 of said chapter 45 is hereby amended by striking out the words ‘\$600,000 from revenues collected from fees charged for parolee supervision’ and inserting in place thereof the following figure:— “\$1,600,000”; and by striking out the figure “\$600,000” and inserting in place thereof the figure:— “\$1,600,000”.
The amendment was *rejected*.

Ms. Spilka moved that bill be amended in section 113, at the end thereof, by inserting the following words:— “; and provided further, that \$86,000 shall be expended for the town of Framingham LIFT Program.”.
The amendment was *rejected*.

Mr. Nuciforo moved that the bill be amended by inserting, after section 160, the following new section:—

“SECTION 161. Notwithstanding any other general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer \$300,000 from the General Fund to the Massachusetts sheriffs’ association for a pilot educational truancy intervention and alternative sanctions program for at-risk youth developed by and for a local sheriff’s office in collaboration with a regional workforce investment board, local school districts, local juvenile courts, the local district attorney’s office, local police departments, the department of youth services and the department of social services.”.
The amendment was *rejected*.

Messrs. Buoniconti, Lees and Knapik moved that the bill be amended in item 8910-0102 of section 2 of said chapter 45 by striking out the figure “\$55,164,711” and inserting in place thereof the following figure:— “\$58,331,850”; and by inserting, at the end thereof, the following language:— “provided further, that not less than \$3,167,139 be expended for costs associated with overcrowding at the Hampden County Correctional Facilities.”.
The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in item 8910-0108 of Chapter 45 of the Acts of 2005 by striking out the figure “\$6,264,939” and inserting the following figure:— “\$7,249,939”.
The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 40 by inserting the following sentence at the end thereof:— “This section shall not govern any entity primarily engaged in the instruction of students for the purposes of obtaining a commercial drivers license.”.
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended by inserting at the end the following section:—

“SECTION XXX. Any approval for the construction or leasing relative to the siting of a liquefied natural gas (LNG) facility on Outer Brewster Island shall include the approval of the town of Hull by majority vote of their Town Meeting.”.
The amendment was *rejected*.

Ms. Resor moved that the bill be amended in section 17 by striking out paragraph (d) of section 33B and inserting in place thereof the following paragraph:—

“(d) A transfer under this section shall not be made from any appropriation for a municipal light department under chapter 164 or for a school district as defined in section 2 of chapter 70, except (1) by a 2/3 vote of a city council on recommendation of the mayor, with the written approval of the amount of the transfer by the municipal light department, or by the school committee, or (2) by a town meeting.”
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2A, in item 2800-0108, by adding the following:— “; and provided further, that not less than \$1,000,000 shall be expended for certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill center”; and by striking out the figure “\$7,015,000” and inserting in place thereof the following figure:— “\$8,015,000”.
The amendment was *rejected*.

Mr. Barrios moved that the bill be amended in section 2A, in item 7004-0097, after the word “Somerville”, the words:— “; and provided further, that \$50,000 shall be expended for the Cambridge Housing Authority Work Force Program”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,218,000”.
The amendment was *rejected*.

Mr. Joyce, Ms. Chandler and Mr. Hedlund moved that the bill be amended in section 133 by adding the following:— “; and provided further, that not less than half of these remaining funds shall be expended for the prevention of homelessness, homeless job training and general services for the homeless. The secretary of administration and finance shall develop a capital spending plan to implement this act and shall file such spending plan, in advance, with the house and senate committees on Ways and

Means”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 7004-0097, by inserting after the words “Fitchburg State College”, the following:— “provided further, that not less than \$1,000,000 shall be expended for pollution prevention at the Tri-Town landfill in Heath;”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$13,168,000”. The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by inserting at the end thereof the following new section:—

“SECTION ____ . Section 2 of Chapter 45 of the Acts of 2004, in item 2800-0100, is amended by inserting after the word ‘parkways’ the following provision:— provided further, that not less than \$100,000 shall be expended for the sole purpose of restoring, operating, maintaining and ongoing support of the DCR Park Rangers mounted unit in the Blue Hills Reservation, existing as of January 1, 2004, which shall be located, sited and operated from the stable and adjacent facilities in the Blue Hill Reservation and further, within thirty (30) days of this appropriation, the Department of Conservation and Recreation shall file with the House Committee on Ways and Means a report detailing the actual expenditures of funds; and further, that any funds not so expended solely for this purpose shall be reimbursed to said DCR Park Rangers Mounted Unit from the funds allocated for the operation of the office of the Secretary of the Executive Office of Environmental Affairs FY07 budget allocation, retroactively, and further, that the Secretary of the Executive Office of Environmental Affairs is hereby directed to request and obtain the return of all animals, equipment, including tack and trailers, and personnel of the DCR Park Rangers Mounted Unit within their control, custody and possession as of January 1, 2004; and further, should additional horses of a comparable or better quality as such horses in said mounted unit as of January 1, 2004 need to be obtained by gift or purchase, that said Office of the Secretary of the Executive Office of Environmental Affairs shall incur said costs.”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended by inserting, after section 160, the following new section:—

“SECTION ____ . (a) Notwithstanding section 54 of chapter 7 of the General Laws, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation, is hereby authorized, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws and using such competitive proposal process as the commissioner of said division deems necessary or appropriate, to lease and enter into other agreements, for terms not to exceed 20 years, to or with 1 or more offerors who participate in that process, for 1 or more skating rinks, so as to provide for the continued use, operation, maintenance, repair and improvement of the following state-owned buildings and facilities together with the land and appurtenances associated therewith, comprising the following ice skating rink and facilities of said department: Max Ulin memorial rink, Milton.

There shall be an option for renewal or extension for operations and maintenance services not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the state. All leases must contain a provision that requires the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the rink and on the land during the term of the lease.

Such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation, and, notwithstanding any general or special law to the contrary, shall provide for the lessees to manage, operate, improve, repair and maintain the properties. Any such leases or other arrangements requiring capital improvements to be made to any buildings or surface areas shall include a description of the required capital improvements and, at a minimum, performance specifications. Such leases and other agreements shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties provided by the tenants or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. The division, in consultation with the department, shall structure each lease or other agreement to minimize disturbance of the current rights of any tenants who may currently use any part of the rink or adjoining facilities, whether under a written lease or other arrangement. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

(b) The division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to (1) a comprehensive list of all rinks operated by the responsive bidder or offeror or in the last four years, (2) other facilities management or experience of the responsive bidder or offeror, (3) other skating or hockey management experience of the responsive bidder or offeror, (4) a residential discount

program, (5) reservation policies, (6) proposed reasonable rates that will ensure continued public access, (7) required financial audits, (8) policies to encourage use of the rink by persons of all races and nationalities, (9) safety and security plans, (10) seasonal opening and closing dates, (11) hours of operation and (12) how the operator will satisfy the following ice time allocation guidelines. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following priority order: general public skating; non-profit youth groups; school hockey; youth groups other than non-profit youth groups; and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator; provided that general public skating shall be booked at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender.

The inspector general shall review and approve any request for proposal issued by the division before issuance.

The failure of any city or town to apply for pre-qualification as set forth below shall not prohibit that city or town from bidding under this section.

Before the division, in consultation with the department, sends out any request for proposals under this section, the division shall hold open a pre-qualification period of at least 120 days for cities and towns, or a partnership of municipalities which share geographic boundaries as long the subject rink or rinks is located within the geographic area of the municipalities comprising the partnership, that desire to bid on rinks that are listed in this section and are located within the city or town. Any city or town or such partnership of municipalities that desires to lease a rink under this section may submit materials for pre-qualification. Such pre-qualification may include, but may not be limited to, said city's or town's or said partnership's ability to finance the capital improvements determined to be necessary at each rink listed in this section by the division and to manage, operate and maintain the properties. The division, in consultation with the department, shall determine whether a city or town or partnership is pre-qualified within 15 days of the end of the prequalification period. If a city or town or partnership is determined to be pre-qualified, that city or town or partnership shall be awarded the lease for that rink under the terms and conditions set forth in subsection (a) and the first paragraph of subsection (b). If a city or town or partnership is determined to be pre-qualified, the city or town or partnership shall pay nominal consideration for a lease subject to the required capital improvements, performance specifications, and other pre-qualification requirements and terms of the division and submitted proposal. The length of such lease shall be determined between the division and said city or town.

(c) It shall be a mandatory term of any request for proposals issued by the commissioner and of any contract entered into by the commonwealth with any party regarding the subject matter of this section that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the rinks and to preserve the safety and environmental conditions of those rinks, that all employees currently working on the operation and maintenance of the rinks be offered employment by any party entering into a contract pursuant to this section. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessor, to comparable positions within the department subject to applicable collective bargaining agreements.

(d) The provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any selected offeror which is awarded a contract pursuant to this section, except as provided in this section."

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by striking out section 159 in its entirety.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by striking out section 159 in its entirety and inserting in place thereof the following new section:—

"SECTION 159. Sections 45, 46 and 47 shall take effect upon passage of this act."

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended by inserting, in section 2A, the following new item:—

"0331-3200

For 2 assistant clerks in the Plymouth superior court 136,500";

and by inserting at the end thereof the following new section:—

"SECTION ____ . Section 5 of Chapter 221 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended, in line 14, by deleting the words "Plymouth, 6 assistant clerks" and inserting in place thereof the following:— Plymouth, 8 assistant

clerks”.

The amendment was *rejected*.

Messrs. Creedon and Tarr moved that the bill be amended by inserting, in section 2A, the following new item:—

“0331-2500

For the position of courier in the Essex superior court 10,000”.

The amendment was *rejected*.

Mr. Barrios moved that the bill be amended by inserting the following new section:—

“SECTION ____ . Item 7003-0702 of said section 2 of said chapter 45 is hereby amended by striking out the words “that not less than \$300,000 shall be expended to provide employment, training and job placement by Year Up of Boston” and inserting in place thereof the following words:— that not less than \$600,000 shall be expended to provide employment, training and job placement by Year Up of Boston.”; and by striking out the figure “\$480,999” and inserting in place thereof the following figure:— “\$780,999”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2A, in item 7004-0097, by inserting after the word “Somerville”, the following:— “; provided further, that not less than \$100,000 shall be expended for the Cape Cod Maritime Museum located in the village of Hyannis.”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$12,268,000”.

The amendment was *rejected*.

Messrs. Lees and Tarr moved that the bill be amended by inserting the following item:—

“EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

7002-0011

For the office of the secretary of the executive office of economic development; provided, that \$250,000 shall be expended for hiring staff and expending funds to facilitate motion picture production and development within the commonwealth, as mandated under item 7002-0010 of chapter 45 of the acts of 2005 250,000”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 2A by inserting, after item 4125-0102, the following item:—

“EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT.

Department of Business and Technology.

7007-1505

For the Massachusetts Alliance for Small Contractors for the purpose of providing technical assistance, education, capacity building, and support services to small businesses, minority owned businesses in the prequalification and certification process required pursuant to Chapter 193 of the Acts of 2004 250,000”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 119 by inserting, after the word “community”, the following:— “; and provided further, that not less than \$300,000 shall be expended for the operation of the Affirmative Market Program;”.

The amendment was *rejected*.

Messrs. Morrissey and Lees moved that the bill be amended by striking out the words “January 1, 2005” and inserting in place thereof the following:— “July 1, 2005”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by striking out sections 35, 36 and 37.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended by inserting in section 2A, after item 7004-0097, the following item:—

“Department of Education.

“7061-9409

For emergency education aid to the town of Chelmsford 1,900,000”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended by inserting, after item 7515-0122, the following item:—

“7515-0200

To support a Workforce Development Initiative at North Shore Community College, including establishment of an Economic Development Center linked to the SEWIB (Southern Essex Workforce Investment Board) and North Shore Career Center; transitional employment training to meet Adult Basic Education/GED needs, instruction for TAFDC recipients, and ESOL students in Career Institute programming in health care, technology, and human service fields; entrepreneurship/small business program for unemployed workers 500,000”.

The amendment was *rejected*.

Messrs. Antonioni and Augustus moved that the bill be amended in section 2A by inserting the following item:—

“7061-0008

For aid to school districts to be distributed on a per-pupil basis for limited English proficient students; provided further, that all funds shall be expended by the school committee without further appropriation on English language learner programs and English language learner professional development 6,000,000”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended by inserting, after section ___, the following new section:—

“SECTION ___. 7061-xxxx Provided further, that \$500,000 be expended to expand The National Foundation for Teaching Entrepreneurship’s (NFTE) middle and high school programming to under-performing urban school districts in Massachusetts. NFTE (pronounced ‘nifty’) teaches entrepreneurship to young people from low-income communities to enhance their economic productivity by improving their business, academic and life skills. NFTE’s curriculum aligns with State Standards in Mathematics, English Language Arts, and History and Social Science and correlated to the National Business Education Association’s National Standards for Entrepreneurship.”.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2A by inserting, after item 0321-1513, the following item:—

“0330-0410

For additional costs associated with the conflict resolution services.”

The amendment was *rejected*.

As previously stated, the above amendments were considered as one, and were *rejected*.

Ms. Murray moved that the bill be amended in section 2, in item 1410-0010, by striking out the figure “\$170,500” and inserting in the place thereof the following figure:— “\$195,500”; in said section 2, by striking out item 6006-0003; in said section 2, by inserting, after item 7007-1200, the following item:—

“7010-000575,000”;

In section 2A, by inserting the following item:—

“1100-1560

For the Massachusetts Development Finance Agency; provided that not less than \$500,000 shall be expended by the Agency for the purposes of planning for a new mission to be executed by the Massachusetts Air National Guard at Otis Air National Guard Base; and provided further, that not less than \$500,000 shall be expended by the Agency for the purposes of planning and development of a homeland security training center to be located on the Massachusetts Military Reservation 1,000,000”;

In said section 2A, in item 1599-1110, by striking out the words:— “section 19” and inserting in place thereof the following words:— “section 16”; in said section 2A, by inserting the following item:—

“1599-7900

For the costs associated with sections 44A, 44B, 47A, 47B, 47C, 47D, 47E of this act 1,999,296”;

In said section 2A, in item 2800-0108, by inserting after the words “Chasm State Reservation” the following words:— “; provided further, that \$30,000 shall be expended for the restoration and conservation of Furnace Pond in the town of Pembroke”; in said section 2A, in item 2800-0108, by inserting after the words “in the city of Revere” the following words:— “of which not less than \$80,000 shall be made available for the purpose of installing archways as part of this project”; in said section 2A, in said item 2800-0108, by striking out the figure “\$7,015,000” and inserting in the place thereof the following figure:— “\$8,160,000”; in said section 2A by inserting after item 4000-0305 the following item:—

“4000-0265

For the purpose of providing one-time grants to community health centers; provided that \$200,000 shall be expended for the

Dimock Community Health Center located in the Egleston Square Neighborhood in Roxbury for health care and traditional housing to the medically underserved patients from the Roxbury, Dorchester and Jamaica Plain sections of the city of Boston; provided further, that \$200,000 shall be expended for Whittier Street Community Health Center in Roxbury for adult and child behavioral health services to the homeless, immigrant and refugee populations; provided further, that \$200,000 shall be expended for a community health center serving a disadvantaged population in the neighborhood of Mattapan; provided further, that \$100,000 shall be expended for the Fenway Community Health Center located in the Fenway section of the City of Boston which provides health care to gay and lesbian populations; provided further, that \$100,000 shall be expended for South Cove Community Health Center located in the Chinatown section of the City of Boston which provides health care to immigrant and linguistically diverse populations; provided further, that \$200,000 shall be expended for the Harvard Street health center located in the North Dorchester section of the city of Boston; provided further, \$200,000 shall be expended for the Roxbury Comprehensive Community Health Center (RoxComp) to mitigate health care disparities; and provided further, that \$300,000 shall be expended for the Manet Community Health Center in Quincy 1,500,000”;

In said section 2A, by inserting, after item 7100-0400, the following item:—

“7100-0600

For one-time reimbursement to the University of Massachusetts Lowell for excess tuition payments to the commonwealth in fiscal year 2006 1,208,889”;

In said section 2A, by inserting after item 7100-0400 the following item:—

“7509-1000

For the development of a program at Mount Wachusett Community College providing technical assistance to state facilities and public school districts to reduce energy costs through the utilization of renewable energy systems 150,000”;

In section 2E, in item 6005-0030, by inserting after the word “Norton”, the following words:— “; provided further, that \$740,000 shall be expended for the fourth phase of the East street renovation project in the town of Ludlow; provided however, \$225,000 shall be expended for pedestrian safety and roadway improvements for the purpose of reducing excessive vehicular speed along the Dell Avenue Corridor”; and by striking out the figure “\$3,883,334” and inserting in place thereof the following figure:— “\$4,848,334”; in said section 2E, in item 7004-0097, by adding at the end thereof the following:— “; provided further, that \$400,000 shall be expended for costs associated with the Tewksbury Center expansion project on Chandler Street in the town of Tewksbury; provided further, that \$400,000 shall be expended for the renovation expenses at the East Longmeadow Senior Center; provided further, that \$150,000 shall be expended to the town of Belmont for a one-time matching grant for the construction of a Senior Citizen Center; provided further, that \$200,000 shall be expended for the Town of Kingston Senior Center; and provided further, that \$200,000 shall be expended for the design of a Senior Center in the Town of Plymouth; provided further, that \$100,000 shall be expended for the Hampden Senior Center”; and by striking out the figure “\$12,168,000” and inserting in place thereof the following figure:— “\$14,623,000”; by inserting after section 44 the following 2 sections:—

“SECTION 44A. Section 14 of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words “‘seventy-five and forty-seven hundredths percent’ and inserting in place thereof the following words:— 81.57 per cent.

SECTION 44B. Section 9A of chapter 185C of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ‘seventy-five and forty-seven hundredths percent’ and inserting in place thereof the following words:— 81.57 per cent.”; by inserting after section 47 the following 5 sections:—

“SECTION 47A. Section 35A of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ‘seventy-five and forty-seven hundredths percent’ and inserting in place thereof the following words:— 81.57 per cent.

SECTION 47B. Section 53 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words ‘seventy-five and forty-seven hundredths percent’ and inserting in place thereof the following words:— 81.57 per cent.

SECTION 47C. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in line 89, the words ‘seventy-five and forty-seven hundredths percent’ and inserting in place thereof the following words:— 81.57 per cent.

SECTION 47D. Section 79 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the words ‘seventy-five and forty-seven hundredths percent’ and inserting in place thereof the following words:— 81.57 per cent.

SECTION 47E. The third paragraph of section 94 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 and 19, the words ‘seventy-five and forty-seven hundredths percent’ and inserting in place thereof the following words:— 81.57 per cent.”; and by inserting after section 48 the following section:—

“SECTION 48A. Subsection (c) of section 10 of chapter 152 of the acts of 1997, as most recently amended by sections 63 and 64 of chapter 352 of the acts of 2004, is hereby further amended by striking out said subsection (c) and inserting in place thereof the following subsection:—

(c) In order to increase the marketability of any special obligation bonds described in section 11 and any other bonds issued by the commonwealth which are payable from amounts held in the Convention Center Fund, and thereby ensure the issuance of such bonds at the lowest possible cost to the commonwealth, the special receipts deposited in the Convention Center Fund in accordance with this subsection are hereby impressed with a trust for the benefit of the owners from time to time of such bonds and special receipts shall be applied by the state treasurer without further appropriation to the payment of principal, including sinking fund payments and premium, if any, and interest on such bonds, to the maintenance of, or provisions for, the Capital Reserve Fund described in said section 11, to the payment of the costs of issuance of such bonds and to the payment of the cost of, and the satisfaction of the obligations of the commonwealth under, any surety bond, insurance policy or other form of credit enhancement required or provided for in any trust of security agreement or credit enhancement agreement entered into pursuant to this act to secure such bonds. The state treasurer with the concurrence of the secretary of administration and finance shall determine that sufficient amounts are or will be held in the Convention Center Fund to meet debt service payments and compliance with any applicable restrictions relating thereto including, without limitation, any coverage requirements, contained in any such trust or security agreement or credit enhancement agreement. If the state treasurer and the secretary of administration and finance determine that the balance of the Convention Center Fund exceeds the amount necessary to satisfy the requirement of sufficiency, then the Authority may make expenditures from the Convention Center Fund, in an amount not to exceed such surplus, for the following purposes: (i) to pay costs, not exceeding \$50,000,000, of the heating, ventilating and air conditioning systems for the project if the Authority deems it in the best interest of the Authority to fund such costs in whole or in part from amounts held in the Convention Center Fund rather than through a lease or lease-purchase agreement for such systems; (ii) to pay start-up costs, not exceeding \$2,000,000, of the project; (iii) to pay costs, not exceeding \$2,000,000, of engineering and construction of surface parking facilities within the convention center development area as defined in section 2 of chapter 152 without completion of an antecedent facility study and engineering study as provided in section 38N of chapter 190 of the acts of 1982; (iv) to provide for, and maintain, any reserve for capital and current expenses of the project and other facilities of the Authority as the Authority shall deem necessary to appropriate; provided that the Authority receives written approval from the secretary of administration and finance; (v) to defray the net cost of operations, at an amount not to exceed \$23,000,000 in FY04 and that the same amount in each fiscal year thereafter, of the Authority as defined in section 32 of said chapter 190”; in section 77 by inserting, after the word “Southbridge”, the following words:— “; provided further, that \$25,000 shall be expended to the Ware Veterans’ Memorial Park in the town of Ware”; in section 104, by striking out item number “4512-0112” and inserting in the place thereof the following item number:— “4512-0500”; by striking out section 112; by inserting after section 122 the following section:—

“SECTION 122A. Item 7010-0005 of said section 2 of said chapter 45 is hereby amended by adding the following words:— “; and provided further, that not less than \$75,000 shall be made available to the governor’s committee on physical fitness and sports.”; in section 153 by striking out the words “126 and 127 of this act” and inserting in place thereof the following words:— “142 and 143”; in section 158, by striking out the figure “\$227,000,000” and inserting in place thereof the following figure:— “\$250,000,000”; by inserting, after section 158, the following section:—

“SECTION 158A. Sections 44A, 44B, 47A, 47B, 47C, 47D, 47E shall take effect January 1, 2006.”; and in section 160, by striking out the words “Section 19” and inserting in place thereof the following words:— “Section 16”.
The amendment was **adopted**.

The Ways and Means amendment, as amended (Senate, No. 2279, printed as amended), was then considered, and it was adopted.

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

The rules were suspended, on motion of Mr. Havern and the bill was read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at four minutes before seven o’clock P.M., on motion of Mr. Lees, as follows to wit (yeas 37 — nays 0) [**Yeas and Nays No. 214**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	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.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian — 37.
McGee, Thomas M.	Wilkerson, Dianne

NAYS — 0.

ABSENT OR NOT VOTING.

Hart, John A., Jr.	Wilkerson, Dianne —
	2.

The yeas and nays having been completed at seven o’clock P.M., the bill was passed to be engrossed with the amendments.

Sent to the House for concurrence in the amendments.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to genetic testing results (see House, No. 3899), 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 7 to 0.

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

A Bill authorizing the city of Brockton to convey certain park land (House, No. 4470,— on petition) [Local approval received],— was read.

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

Engrossed Bills.

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

Relative to a loaded shotgun or rifle (see Senate, No. 2255); and

Relative to genetic testing results (see House, No. 3899).

Order Adopted.

On motion of Mr. Barrios,—

Ordered, That when the Senate adjourns today, it adjourn to meet tomorrow at one o’clock P.M., in a full formal session without a calendar.

Adjournment in Memory of Corporal Donald E. Fisher II.

The Senator from Plymouth and Bristol, Mr. Creedon, and the Senator from Norfolk Bristol and Plymouth, Mr. Joyce, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Corporal Donald E. Fisher II.

Corporal Fisher was one of two soldiers killed in a crash in Kirkut, Iraq on Monday. He was originally from Brockton and lived in Avon. Corporal Fisher was from a large military family and is survived by his father, a disabled Army veteran, his brother, Robert, also a soldier, and four sisters. He was in his second tour of duty in Iraq.

Accordingly, as a mark of respect to the memory of Corporal Donald E. Fisher II, at five minutes past seven o'clock P.M., on motion of Mr. Creedon, the Senate adjourned to meet again tomorrow at one o'clock P.M.