Tuesday, December 1, 1992.

Met according to adjournment, at eleven o'clock A.M., with Mr. Walsh of Agawam in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Almighty God, we place our trust in You and our confidence in Your values. We believe that You have a personal interest in our well-being. Teach us, in turn, to have an interest in the well-being of others. Enlighten us to propose legislation which opens equal opportunities for all in employment, housing and education. During this time of pending changes in government and the workplace, bestow upon us the wisdom to propose ethical legislative changes which will help more, if not all, people to participate in the American dream of financial security, stable communities, and a relevant education. May the common good be our common goal.

Grant Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Walsh of Agawam), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Gonsalves of Dartmouth.

During consideration of the Orders of the Day, Mr. Gonsalves of Dartmouth asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting, nor will I be present for the remainder of this week or for next week due to an illness that will require hospitalization. Any roll calls that I may miss during that period of time will be due entirely to the reason stated.

Mr. Gonsalves then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Speaker Flaherty of Cambridge and Mrs. Harkins of Needham) congratulating Dr. Vincent C. Nuccio, Director of the Division of Instructional Leadership and Administration, and professor of education administration, on the occasion of his retirement; and

Resolutions (filed by Mr. Lawless of Orleans) on the occasion of the seventy-fifth anniversary of Universal Lodge, A.F. and A.M.;

Mr. Voke of Chelsea, for the committee on Rules, reported, in
each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Mr. Flaherty, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

An Order (filed this day by Mr. Brett of Boston) relative to the appointment of a joint special committee to make an investigation and study of a new division of the Commonwealth into one hundred and sixty Representative districts, forty Senatorial districts and eight Executive Councillor districts (House, No. 6265) was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Flaherty of Cambridge, for the committees on Rules, then reported that the order ought to be adopted. Referred, under Rule 33, to the committee on Ways and Means.

Mr. Finneran of Boston, for the committee on Ways and Means, reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mr. Brett, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Daniel J. Ranieri and other members of the General Court relative to the Tri-county Regional Vocational Technical School District. Under suspension of Rule 42, on motion of Mr. Ranieri of Bellingham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

By Mr. Bosley of North Adams, for the committee on Commerce and Labor, on House, No. 6088, a Bill relative to restoring solvency to the Unemployment Compensation Fund (House, No. 6258).

By Mr. Walsh of Agawam, for the committee on Government Regulations, on a petition, a Bill relative to the issuance of a real estate brokers license to Roger Cove (House, No. 6170).

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on a petition, a Bill changing the harbor lines in Fort Point Channel and authorizing certain structures and fill necessary in connection with the Central Artery/tunnel project to extend beyond established harbor lines in the Fort Point Channel (House, No. 6171).

By Mr. Caron of Springfield, for the committee on Public Safety, on House, No. 5713, a Bill relative to the regulation of carriage horses (House, No. 6259).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on Senate, No. 1707, a Bill to establish the Massachusetts
retirement incentive for higher education employees (House, No. 6261).

By the same member, for the same committee, on House, No. 6233, a Bill to establish the Massachusetts retirement incentive for judicial employees (House, No. 6262).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on a petition, a Bill further regulating the keeping of certain mammals under the exotic wildlife law (House, No. 6099). Read; and placed in the Orders of the Day for the next sitting for a second reading.

Motion to Suspend Rule 24(2).

Before proceeding to consideration of the matters in the Orders of the Day,— Mr. Hawke of Gardner moved that Rule 24(2) be suspended in order that he might offer, from the floor, Resolutions (filed by him and Messrs. Lionett of Worcester, Tarr of Gloucester, Palumbo of Newbury and Coon of Andover) requesting the President of the Senate and the members of the House and Senate to consider the Initiative Amendment to the Constitution relative to term limitations for state and Congressional elected officials.

Pending the question on suspension of Rule 24(2), further consideration thereof was postponed, on further motion of Mr. Hawke, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, Mr. Lionett asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 127 members were recorded as being in attendance.

[See Yea and Nay No. 319 in Supplement.]

Therefore a quorum was present.

After debate the motion to suspend Rule 24(2) was negatived; and the resolutions were referred, under said rule, to the committee on Rules.

Orders of the Day.

The engrossed Bill authorizing the town of Chilmark to convey an interest in certain conservation land (see House, No. 5764, changed and amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 6095), was considered.

The amendment recommended by His Excellency then was adopted in the following form (as approved by the committee on Bills in the Third Reading):
By striking out section 2 and inserting in place thereof the following section:

"SECTION 2. No deed conveying by or on behalf of the town of Chilmark, the property described in section one of this act, shall be valid unless such deed provides that said town of Chilmark reserves the rights granted under chapter one hundred and thirty-one of the General Laws."

Sent to the Senate for concurrence.

The Senate Bill authorizing the Commissioner of the Division of Capital Planning and Operations to convey land in the town of Concord (Senate, No. 1389), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Relative to the compensating balance agreement law (House, No. 256) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the Commissioner of the Division of Capital Planning and Operations to acquire certain parcels of land in the town of Andover and the city of Lawrence (House, No. 5471) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the operation of motor vehicles equipped with ignition interlock and the reduction of automobile insurance premiums (House, No. 2489) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 1 by striking out, in line 12 and also in line 24, the words "or register".

The amendments were adopted; and the bill (House, No. 2489, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill effectively eliminating subdivision control in the city of Somerville (House, No. 5454) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill eliminating subdivision control in the city of Somerville (House, No. 6260), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to harness horse racing (House, No. 6255) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Walsh of Agawam, the bill (reported by the committee on Bills in
the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Senate bills
Relative to the licensing and keeping of dogs in the town of Millis (Senate, No. 1630);
Providing for the abandonment of conveyance of a right of way in the city of Brockton (Senate, No. 1691, amended); and
Further regulating title insurance to title insurers (Senate, No. 1748); and

House bills
Amending teacher certification requirements to include school nurses (House, No. 1471);
To establish a state karate commission (House, No. 3251);
To protect resident licensees (House, No. 4577);
Further regulating adoption agencies (House, No. 5853, changed);
To enable the town to remove the position of police chief from the civil service status (House, No. 5992);
Providing for recall elections in the town of Chester (House, No. 6066);
Further defining elevators (House, No. 6138);
Relative to town meeting members in the town of Milford (House, No. 6159);
Relative to elections in the town of Dracut (House, No. 6175);
To provide for recall elections in the town of West Boylston (House, No. 6179);
Relative to recall election in the town of Sheffield (House, No. 6192);
Further regulating reporting requirements of injured children (House, No. 6196, changed); and
Exempting the position of chief of police of the town of Brookline from the provisions of the civil service law (House, No. 6247);
Severally were read a second time; and they were ordered to a third reading.

The House Bill authorizing the Deputy Commissioner of the Division of Capital Planning and Operations to acquire a certain parcel of land in the town of East Brookfield (House, No. 5426) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by striking out, in lines 7 and 8, the words “the Massachusetts Department of Public Works or”, — was adopted.

The bill (House, No. 5426, amended) then was ordered to a third reading.

At eighteen minutes after eleven o’clock A.M., on motion of Mr. Ranieri of Bellingham (Mr. Walsh of Agawam being in the Chair),
the House recessed until the hour of one o'clock P.M.; and at two minutes after one o'clock the House was called to order with the Speaker in the Chair.

The engrossed Bill making appropriations for salary increases for employees of the Commonwealth covered by certain collective bargaining agreements (see House, No. 6208, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendments) (for message, see House, No. 6252), was considered.

The amendments recommended by His Excellency then were considered in the form printed in House document numbered 6264 (as approved by the committee on Bills in the Third Reading).

After remarks the amendments were rejected. Subsequently Mr. Teague of Yarmouth moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Blanchette of Lawrence; and on the roll call 26 members voted in the affirmative and 79 in the negative.

[See Yea and Nay No. 320 in Supplement.]


Therefore the motion to reconsider was negatived.

The bill then was sent to the Senate for its action.

The motion of Mr. Businger of Brookline, that the committee on Ways and Means be discharged from further consideration of the House Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) was considered.

Pending the question on the motion to discharge the committee, further consideration thereof was postponed, on motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill prohibiting bullfighting (Senate, No. 962) was considered.

Pending the question on ordering the bill to a third reading,
further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on concurring with the Senate in its amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the notification of third parties in nonrenewal and cancellation of certain insurance policies held by elderly consumers (House, No. 5905) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

The House Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land and easement in the town of Plymouth to Hector E. Patenaude and Jean W. Patenaude and Margaret W. Stacy (House, No. 4953) was read a second time.

Pending the question on adoption of the amendments previously recommended by the committee on Ways and Means, — that the bill be amended in section 1 by striking out, in lines 41 and 42, the following: “so much of the 100 foot wide” and inserting in place thereof the following: “a 40 foot width of the”, and by striking out, in line 43, the word “as” and inserting in place thereof the word “which”; and by striking out section 2, — and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Forman of Plymouth, until after disposition of the remaining matters in the Orders of the Day.

The House Bill establishing the Massachusetts security for public deposits commission (House, No. 5001) was read a second time; and it was ordered to a third reading.

The House Bill establishing a model water and sewer commission and defining the powers thereof (House, No. 5642) was read a second time.

The amendments previously recommended by the committee on Ways and Means, — that the bill be amended in section 2 by striking out in line 9, the words “just and equitable” and inserting in place thereof the words “accurate, appropriate, and self-sustaining”, by striking out, in line 20, the words “fair but”, by inserting after the word “costs”, in line 41, the word “of”, by striking out the sentence contained in lines 223 to 232, inclusive, and inserting in place thereof the following sentence: “The commission may appoint, employ and
determine the compensation, duties and conditions of employment of an executive director and such other officers as the commission shall deem necessary, who shall not be members of the commission and who shall serve at the pleasure of the commission provided, however, the commission may bind itself by contract to employ an executive director, and such other officers, but no such contract may be for a period of more than five years.

"(o) to sue and be sued and to prosecute and defend actions relating to its properties and affairs; provided that only property of the commission other than revenues pledged to the payment of bonds shall be subject to attachment or levied upon execution or otherwise;", and by striking out the sentence contained in lines 606 to 611, inclusive; in section 4 by inserting before the word "Chapter", in line 1, the following: "Section 15 of"; and by striking out, in line 3, the figures "10" and inserting in place thereof the figures "11"; and in section 6 by inserting after the figures "1984", in line 2, the following: "as most recently amended by chapter 770 of the acts of 1987,"; and by striking out in lines 7, 9, and also in line 11, the figures "1991" and inserting in place thereof, in each instance, the figures "1992". — were adopted.

The bill (House, No. 5642, amended) then was ordered to a third reading.

The House Bill requiring an annual audit of adoption agencies (House, No. 5854) was read a second time; and it was ordered to a third reading.

*Motions to Direct the Clerk to Place Certain Matters Before the House.*

Mr. Clancy of Lynn moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of item 7511-0100 in section 2 (for message, see House, No. 6077) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 6010, amended]; and the motion prevailed.

Item 7511-0100 (Allied Health and Services Center at the Danvers campus) was considered as follows:

"Higher Education Coordinating Council.

7511-0100 For the purpose of meeting the fiscal year nineteen hundred and ninety-three debt service obligation of North Shore Community College on the Health and Education Facilities Authority Funds for the construction and renovation of
the Allied Health and Services Center at the Danvers campus; provided, that this one-time obligation is due and payable on or before April first, nineteen hundred and ninety-three . . . . 370,000".

After debate the question on passing item 7511-0100 (contained in section 2) notwithstanding said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 112 members voted in the affirmative and 28 in the negative.

[See Yea and Nay No. 321 in Supplement.]

Therefore item 7511-0100 (contained in section 2) was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Mr. Clancy of Lynn moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of item 7511-0100 in section 2B. I (for message, see House, No. 6077) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 6010, amended]; and the motion prevailed.

Item 7511-0100 (Allied Health and Services Center at the Danvers campus) was considered as follows:

"Higher Education Coordinating Council.

7511-0100 .................................................. 370,000".

The question on passing item 7511-0100 (contained in section 2B. I) notwithstanding said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 112 members voted in the affirmative and 27 in the negative.

[See Yea and Nay No. 322 in Supplement.]

Therefore item 7511-0100 (contained in section 2B. I) was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Order.

On motion of Mrs. Menard of Somerset,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.
Mrs. Menard then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-three minutes after two o'clock P.M. (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.
Wednesday, December 2, 1992.

Met according to adjournment, at eleven o'clock A.M., with Mr. Serra of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, our Creator, we pray for the gift of wisdom as we propose and evaluate legislation which addresses the needs of the people and society. In Your goodness, grant us the capacity and courage to explain to the electorate the complex issues of the times, so that they understand all possible options. As community leaders, may we unite constituents in causes and movements which enhance human dignity, respect for each person and foster mutual understanding. Bestow upon us the patience and good sense to listen to the insights and suggestions of others, to respect the opinions of others, but to remain faithful to our own ethical convictions and values.

Grant Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Serra), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from His Honor the Lieutenant-Governor, Acting Governor.

A message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to stimulating employment and encouraging the siting of certain federal facilities in the Commonwealth (House, No. 6267) was filed in the office of the Clerk on Tuesday, December 1.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on State Administration. Sent to the Senate for concurrence.

A message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to furthering the establishment of a multi-purpose arena and transportation center (House, No. 6268) was filed in the office of the Clerk on Tuesday, December 1.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Transportation. Sent to the Senate for concurrence.

Statement Concerning Representative Rohan of Holyoke.

During consideration of the Orders of the Day, Mr. DeFilippi of West Springfield asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:
Statement concerning Representative Rohan of Holyoke.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rohan of Holyoke, is unable to be present in the House Chamber due to illness. Any roll calls that he missed this week was due entirely to the reason stated.

Mr. DeFilippi then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Ronald Blanchette, Jr.

Ivan A. Wood.

Chanukah Week.

North Reading — volleyball.

Avedis Zildjian Company.

Eric J. LoPorto.

Stephen T. Oakes.

Resolutions (filed by Ms. Brenton of Burlington) congratulating Ronald Blanchette, Jr., on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Brenton of Burlington) congratulating Ivan A. Wood on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Businger of Brookline) on the observance of Chanukah Week;

Resolutions (filed by Mr. Krekorian of Reading) recognizing and honoring the North Reading High School "Hornets" girls volleyball team;

Resolutions (filed by Ms. O'Brien of Hanover) congratulating the Avedis Zildjian Company of Norwell on the occasion of its three hundred and seventieth anniversary;

Resolutions (filed by Mr. Tobin of Quincy) congratulating Eric J. LoPorto on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Tobin of Quincy) congratulating Stephen T. Oakes on receiving the Eagle Award of the Boy Scouts of America;

Mrs. Menard of Somerset, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Ms. O'Brien of Hanover, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Representative Anthony M. Scibelli of Springfield.

During consideration of the Orders of the Day, the Speaker declared a recess subject to the call of the Chair, there being no objection. The Speaker then read and presented to Representative Anthony M. Scibelli of Springfield previously adopted Resolutions of the House honoring him as a founder of the Springfield Technical Community College, on this the twenty-fifth anniversary of the College. The Speaker then presented Mr. Scibelli with copies of the resolutions.
Order.

An Order (filed this day by Mr. Voke of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

Ordered, That, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Wednesday, December 16, within which to make reports on all matters referred to them.

Mrs. Menard of Somerset, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mr. Voke, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Pacheco of Taunton, petition (accompanied by bill, House, No. 6275) of Marc R. Pacheco (with the approval of the mayor and city council) relative to recall elections in the city of Taunton. To the committee on Election Laws.

By Ms. Hyland of Foxborough, petition (accompanied by bill, House, No. 6276) of Barbara C. Hyland and Kevin Poirier (by vote of the town) for legislation to authorize the town of Foxborough to convey a certain parcel of conservation land; and

By Mrs. Walrath of Stow, petition (accompanied by bill, House, No. 6277) of Patricia A. Walrath and Robert A. Durand (by vote of the town) for legislation to authorize the town of Hudson to convey a certain parcel of land presently managed and controlled by said town and being a part of Centennial Beach; severally to the committee on Local Affairs.

By Mr. Tolman of Watertown, petition (accompanied by bill, House, No. 6278) of Paul J. Denning, Warren E. Tolman, Michael J. Barrett and others (with the approval of the town council) for legislation to exempt the position of chief of police of the city known as the town of Watertown from the provisions of civil service law. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of John C. Klimm relative to school building assistance projects. Under suspension of Rule 42, on motion of Mr. Klimm of Barnstable, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities. Sent to the Senate for concurrence.
By Mr. Serra of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Shannon P. O'Brien for legislation to ensure finances for the Water Resources Authority. Under suspension of Rule 42, on motion of Miss O'Brien of Easthampton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture. Sent to the Senate for concurrence.

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill establishing the board of water and sewer commissioners in the town of Somerset (House, No. 6243), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mrs. Menard of Somerset, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for an employee of the Department of Social Services (House, No. 6231), which was read.

Under suspension of the rules, on motion of Mr. Cox of Lowell, the bill was read a second and (having been reported by the committee on bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill providing for the development of educational related research and biotechnology in the Commonwealth (Senate, No. 1645) ought to pass with amendments in section 2 by striking out, in line 6, the words “free of” and inserting in place thereof the words “subject to”; and by inserting after the word “commonwealth”, in lines 6 and 7, the words “as said rights are indicated in chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight”).

Under suspension of the rules, on motion of Mr. Sullivan of Abington, the bill was read a second time forthwith. The amendments previously recommended by the committee on Ways and Means,— then were adopted; and the bill (Senate, No. 1645, amended) was ordered to a third reading.

By Miss O'Brien of Easthampton, for the committee on Counties on the part of the House, that the Bill authorizing the establishment of the geriatric authority of Hampshire County and providing for the financing thereof (printed as House, No. 1701) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.
By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on House, No. 5858, a Bill authorizing the city of Gloucester and the towns of Rockport and Manchester to conduct a pilot project relative to sewage treatment (House, No. 6266).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on House, Nos. 2877 and 2892, a Bill establishing an alternative optional retirement program for faculty members of public institutions of higher education (House, No. 6263).

Mr. Serra of Boston, for the committees on Rules of the two branches, acting concurrently, to whom was referred the Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the disposition of state-owned property in the Commonwealth (House, No. 5730) reports, in part, a Bill authorizing and directing the Division of Capital Planning and Operations to convey a certain parcel of land in the city of Springfield to Western New England College (House, No. 1788).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill authorizing release of certain conservation restrictions on land in the city of Quincy (printed as Senate, No. 1639).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

**Emergency Measure.**

The engrossed Bill relative to the revision of terms of mortgages (see House, No. 6022, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 29 to 0. Sent to the Senate for concurrence.

**Engrossed Bill — Land Taking.**

The engrossed Bill authorizing the Commissioner of the Division of Capital Planning and Operations to convey land in the town of Concord (see Senate, No. 1389) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call 130 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 323 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.
Motions to Suspend Rule 24 (2).

Before proceeding to consideration of the matters in the Orders of the Day, — Mr. Lionett of Worcester moved that Rule 24(2) be suspended so that he might offer, from the floor, an Order (filed by him and Messrs. Hawke of Gardner and Tarr of Gloucester) relative to requesting the Speaker of the House of Representatives to urge the President of the Senate to convene the joint session of the two branches this day, for the purpose of considering the Amendment to the Constitution establishing term limits for certain elected public officials.

Pending the question on suspension of Rule 24(2), further consideration thereof was postponed, on motion of Mr. Lionett, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the motion was considered further. After debate the motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

Before proceeding to consideration of the matters in the Orders of the Day, — Mr. Lionett of Worcester moved that Rule 24(2) be suspended so that he might offer, from the floor, an Order (filed by him and Messrs. Hawke of Gardner and Tarr of Gloucester) relative to requesting the opinions of the Honorable the Justices of the Supreme Judicial Court on certain questions of law concerning the Proposal for a Legislative Amendment to the Constitution providing for separation of church and state.

Pending the question on suspension of Rule 24(2), further consideration thereof was postponed, on motion of Mr. Lionett, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the motion was considered further. After debate the motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

Orders of the Day.

The Senate Bill providing for the abandonment of conveyance of a right of way in the city of Brockton (Senate, No. 1691, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Relative to certification requirements for school nurses (House, No. 1471) (its title having been changed by the committee on Bills in the Third Reading);

Providing for the licensing and regulation of check cashers (House, No. 2936, changed);

Directing certain payments to cities and towns by the Massachusetts Port Authority (House, No. 3441) (its title having been changed by the committee on Bills in the Third Reading);
Relative to the filling of vacancies in the offices of city council and school committee in the city of Springfield (House, No. 5319) (its title having been changed by the committee on Bills in the Third Reading);

Exempting the positions of water department manager, chief water engineer, water registrar, and water distribution supervisor in the city of Springfield from the provisions of the civil service law (House, No. 5325);

Authorizing the Deputy Commissioner of the Division of Capital Planning and Operations to acquire a certain parcel of land in the town of East Brookfield (House, No. 5426, amended);

Exempting the position of chief of police in the town of Norwell from the provisions of the civil service law (House, No. 5992) (its title having been changed by the committee on Bills in the Third Reading);

Providing for discontinuance permits for mobile home parks in the town of Raynham (House, No. 6080);

Providing for the establishment and administration of rent regulations and the control of evictions in mobile home parks in the town of Raynham (House, No. 6081, changed);

Establishing a liability insurance fund for the water department of the city of Springfield (House, No. 6108);

Relative to elections in the town of Dracut (House, No. 6175); and

Exempting the position of chief of police in the town of Brookline from the provisions of the civil service law (House, No. 6247) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill authorizing the register of deeds of Hampden County to establish a certain pilot program (House, No. 1074, changed) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

The bill then was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill further regulating the keeping of certain mammals under the exotic wildlife law (House, No. 6099) was read a second time; and it was ordered to a third reading.

The House Bill establishing a model water and sewer commission (House, No. 5642, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Forman of Plymouth moved that it be amended in section 2
by striking out the four sentences contained in lines 194 to 219, inclusive.

The amendment was adopted; and the bill (House, No. 5642, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Cohen of Newton (Mr. Serra of Boston being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

State census,—abolishment.

The motion of Mr. Businger of Brookline, that the committee on Ways and Means be discharged from further consideration of the House Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) was considered.

Pending the question on the motion to discharge the committee, further consideration thereof was postponed, on motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

Bullfighting,—prohibit.

The Senate Bill prohibiting bullfighting (Senate, No. 962) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

Primary elections,—unenrolled voters.

The House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on concurring with the Senate in its amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until after disposition of the remaining matters in the Orders of the Day.

Elderly,—insurance.

The House Bill relative to the notification of third parties in nonrenewal and cancellation of certain insurance policies held by elderly consumers (House, No. 5905) was ordered to a third reading.

Plymouth,—land conveyance.

The House Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land and easement in the town of Plymouth to Hector E. Patenaude and Jean W. Patenaude and Margaret W. Stacy (House, No. 4953) was considered.

Pending the question on adoption of the amendments previously recommended by the committee on Ways and Means, — that the bill be amended in section 1 by striking out, in lines 41 and 42, the following: "so much of the 100 foot wide" and inserting in place
thereof the following: "a 40 foot width of the", and by striking out, in line 43, the word "as" and inserting in place thereof the word "which", and by striking out section 2, — and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Forman of Plymouth, until after disposition of the remaining matters in the Orders of the Day.

Subsequently, there being no objection, the subject-matter was considered further. The amendments previously recommended by the committee on Ways and Means then were rejected; and the bill (House, No. 4953) was ordered to a third reading.

Recess.

At seven minutes before two o'clock P.M., on motion of Mr. Serra of Boston (the Speaker being in the Chair), the House recessed until the hour of two o'clock P.M.; and at four minutes after two o'clock the House was called to order with the Speaker in the Chair.

At five minutes past two o'clock P.M., pursuant to assignment, the two Houses met in

JOINT SESSION

and were called to order by the Honorable William M. Bulger, President of the Senate.

Mr. Lionett of Worcester moved that the Initiative Amendment to the Massachusetts Constitution limiting the terms of office of Governor, Lieutenant Governor, Secretary, Treasurer, Attorney General, Auditor, Councillor, State Senator, State Representative, United States Senator and Representative in Congress (see House, No. 4000) be discharged from its place at the end of the Calendar and considered forthwith; but objection was made thereto.

The Proposal for a Legislative Amendment to the Constitution providing for separation of church and state (Senate, No. 48) having been introduced into the General Court on a petition, was called for consideration from the committees on Rules of the two branches, acting concurrently, — was read twice in accordance with the provisions of the special rules.

The proposal was as follows: —

Proposal for a Legislative Amendment to the Constitution providing for separation of church and state.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT

Article XLVI of the Articles of Amendment to the Constitution of the Commonwealth, as amended by Article CIII of the said
Constitution,—
separation of
church and
state.

Articles of Amendment, is hereby further amended by striking out
sections 2 and 3 and inserting in place thereof the following
section: —

Section 2. The General Court shall make no law respecting an
establishment of religion.

Mr. Boverini in the Chair, after debate on ordering the proposal
to a third reading, Messrs. Lionett, Tarr and Hawke moved that
the proposal be referred to a special committee of the joint session,
consisting of five members appointed by the presiding officer, for
the purpose of determining the financial impact upon the future
budgets of the Commonwealth and the future use of "public money"
raised by taxation for support or maintaining or aiding infirmaries,
hospitals, institutions, primary or secondary schools, or charitable
or religious undertakings which are not publicly owned and under
the exclusive control, order and supervision of public officers or
public agents authorized by the commonwealth or federal authority
or both.

Said committee shall report its finding by filing the same with the
presiding officer of the joint session of the two branches by

Pending the adoption of this motion, at ten minutes past three
o'clock P.M., Mr. Cohen of Newton doubted the presence of a
quorum; and a count of the Joint Session determined that a quorum
was present.

After further debate, the President in the Chair, the motion of
Messrs. Lionett, Tarr and Hawke to refer the proposal to a special
committee of the joint session was determined by a call of the yeas
and nays, at seventeen minutes past three o'clock P.M., on motion
of Mr. Lionett, as follows, to wit (yeas 54 — nays 127):

YEAS (54).

Senators.
Amorello, Matthew J.
Chase, Arthur E.
Hicks, Lucile P.
Lees, Brian P.

Pines, Lois G.
Rosenberg, Stanley C.
Wall, Erving H., Jr. — 7.

Representatives.
Angelo, Steven
Binienda, John J.
Brewer, Stephen M.
Businger, John A.
Cohen, David B.
Constantino, William, Jr.
DeLeo, Robert A.
Donovan, Carol A.
Doran, Stephen W.
Driscoll, John R.
Evans, Nancy H.
Gardner, Barbara

Gibson, Mary Jane
Glodis, William J., Jr.
Gray, Barbara E.
Harkins, Lida E.
Hawke, Robert D.
Healy, Jonathan L.
Henry, James R.
Hildt, Barbara
Honan, Kevin G.
Hyland, Barbara C.
Hynes, Frank M.
Jehlen, Patricia D.
Kafka, Louis L.  
Kehoe, Marie-Louise  
Kerans, Sally P.  
Kolios, Paul  
Lambert, Edward M., Jr.  
Lionett, David J.  
Mariano, Ronald  
Marzilli, J. James, Jr.  
McDonough, John E.  
O'Brien, Janet W.  
O'Sullivan, Kevin  
Pacheco, Marc R.  
Resor, Pamela P.  
Rogeness, Mary S.  
Roosevelt, Mark  
Schur, Susan D.  
Stoddart, Douglas W.  
Story, Ellen  
Tarr, Bruce E.  
Tolman, Warren E.  
Tracy, Susan M.  
Valianti, Daniel J.  
Walrath, Patricia A. — 47.

Nays (127).

Senators.

Antonioni, Robert A.  
Bertonazzi, Louis P.  
Birmingham, Thomas F.  
Boverini, Walter J.  
Buell, Robert C.  
Buiger, William M.  
Burke, Edward L.  
Creedon, Michael C.  
Dunn, Martin J.  
Durand, Robert A.  
Harold, Paul D.  
Havern, Robert A.  
Hedlund, Robert L.  
Jajuga, James P.  
Kirby, Edward P.  
Lane, Christopher M.  
LoPresti, Michael, Jr.  
MacLean, William Q., Jr.  
McGovern, Patricia  
Melconian, Linda J.  
Norton, Thomas C.  
Owens, Bill  
Rauschenbach, Henri S.  
Shannon, Charles E.  
Sullivan, Nancy Achin  
Swift, Jane M.  
Tisei, Richard R.  
Wetmore, Robert D.  
White, W. Paul — 29.

Representatives.

Blanchette, Kevin P.  
Bosley, Daniel E.  
Brenton, Marianne  
Brett, James T.  
Buell, Carmen D.  
Bump, Suzanne M.  
Cabral, Antonio F. D.  
Cahir, Thomas S.  
Cangiamila, Brion M.  
Caron, Paul E.  
Casey, Paul C.  
Cass, William F.  
Ciampa, Vincent P.  
Clancy, Edward J., Jr.  
Clark, Forrester A., Jr.  
Cleven, Carol C.  
Collaro, Andrew  
Connolly, Edward G.  
Coon, Gary M.  
Correia, Robert  
Cox, John F.  
Cruz, John F.  
Decas, Charles N.  
DeFilippi, Walter A.  
Dempsey, Brian S.  
DiMasi, Salvatore F.  
Draisen, Marc D.  
Finneran, Thomas M.  
Fitzgerald, Kevin W.  
Flaherty, Charles F.  
Forman, Peter  
Fox, Gloria L.  
Galvin, William C.  
Gannon, Paul J.  
Gately, David F.  
Giglio, Anthony P.  
Goguen, Emile J.  
Haley, Paul R.  
Hall, Geoffrey D.  
Hayward, Jeffery J.  
Hermann, Joseph N.  
Herren, Albert  
Hodgkins, Christopher J.  
Hornblower, Augusta
Constitution,—

separation of church and state.

The yeas and nays having been completed at twenty-six minutes before four o'clock P.M., the motion was negatived.

On motion of Mr. White of Boston, a call of the yeas and nays was then ordered on the question of ordering the proposal to a third reading.

After further debate, Mr. Hawke of Gardner moved that the matter be placed at the end of the calendar; and this motion was negatived.

After further debate, the question on ordering the proposal to a third reading was determined by a call of the yeas and nays, at ten...
minutes past four o'clock P.M., as follows, to wit (yeas 91 —
nays 90):

YEAS (91).

Senators.

Amorello, Matthew J.
Antonioni, Robert A.
Bertonazzi, Louis P.
Birmingham, Thomas F.
Boverini, Walter J.
Burke, William M.
Creedon, Michael C.
Dunn, Martin J.
Harold, Paul D.
Havern, Robert A.
Hedlund, Robert L.
Jajuga, James P.
Kirby, Edward P.

Representatives.

Blanchette, Kevin P.
Brenton, Marianne
Brett, James T.
Cangiamila, Brion M.
Casey, Paul C.
Cass, William F.
Clancy, Edward J., Jr.
Collaro, Andrew
Connolly, Edward G.
Constantino, William, Jr.
Coon, Gary M.
Correia, Robert
Cox, John F.
Decas, Charles N.
DeFilippi, Walter A.
Dempsey, Brian S.
D'Imas, Salvatore F.
Driscoll, John R.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Forman, Peter
Galvin, William C.
Gannon, Paul J.
Gately, David F.
Giglio, Anthony P.
Goguen, Emile J.
Haley, Paul R.
Hawke, Robert D.
Hermann, Joseph N.
Herren, Albert
Hornblower, Augusta
Kelly, Shaun P.

Lane, Christopher M.
LoPresti, Michael, Jr.
MacLean, William Q., Jr.
McGovern, Patricia
Melconian, William C.
Norton, Thomas C.
Shannon, Charles E.
Sullivan, Nancy Achin
Swift, Jane M.
Tisei, Richard R.
Wall, Erving H., Jr.
Wetmore, Robert D.
White, W. Paul — 27.

On ordering proposal to
a third reading,—
yea and nay
No. 325.
Constitution,— separation of church and state.

NAYS (90).

Senators.

Buell, Robert C.
Chase, Arthur E.
Durand, Robert A.
Hicks, Lucile P.
Lees, Brian P.
Owens, Bill
Pines, Lois G.
Rauschenbach, Henri S.
Rosenberg, Stanley C. — 9.

Representatives.

Angelo, Steven
Binienda, John J.
Bosley, Daniel E.
Brewer, Stephen M.
Buell, Carmen D.
Bump, Suzanne M.
Businger, John A.
Cabral, Antonio F. D.
Cahir, Thomas S.
Caron, Paul E.
Ciampa, Vincent P.
Clark, Forrester A., Jr.
Cleven, Carol C.
Cohen, David B.
Cruz, John F.
DeLeo, Robert A.
Donovan, Carol A.
Doran, Stephen W.
Draisen, Marc D.
Evans, Nancy H.
Flaherty, Charles F.
Fox, Gloria L.
Gardner, Barbara
Gibson, Mary Jane
Glodis, William J., Jr.
Gray, Barbara E.
Hall, Geoffrey D.
Harkins, Lida E.
Hayward, Jeffery J.
Healy, Jonathan L.
Henry, James R.
Hildt, Barbara
Hodgkins, Christopher J.
Honan, Kevin G.
Hyland, Barbara C.
Hynes, Frank M.
Jehlen, Patricia D.
Kafka, Louis L.
Karol, Stephen J.
Kchoe, Marie-Louise
Kerans, Sally P.
Klimm, John C.
Koczera, Robert M.
Kollios, Paul
Kraus, Robert
Lambert, Edward M., Jr.
Landers, Patrick F., III
Lawless, Robert C.
Lionett, David J.
Magnani, David P.
Marzilli, J. James, Jr.
McDonough, John E.
Menard, Joan M.
Merced, Nelson
Nagle, William P., Jr.
O'Brien, Janet W.
O'Sullivan, Kevin
Owens-Hicks, Shirley
Pacheco, Marc R.
Petersen, Douglas W.
Petrolati, Thomas M.
Ranieri, Daniel J.
Reinstein, William G.
Resor, Pamela P.
Rogeness, Mary S.
Roosevelt, Mark
Schur, Susan D.
Scibelli, Anthony M.
Stoddart, Douglas W.
Story, Ellen
Tarr, Bruce E.
Thompson, Alvin E.
Tracy, Susan M.
Travis, Philip
Turkington, Eric
Valianti, Daniel J.
Vellucci, Peter A.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Michael P.
Walsh, Thomas P. — 81.
WEDNESDAY, DECEMBER 2, 1992.

ABSENT OR NOT VOTING (12).

Senators.

Barrett, Michael J. Keating, William R.
Berry, Frederick E. Locke, David H. — 4.

Representatives.

Blute, Peter I. Jordan, Raymond A., Jr.
Catjakis, Athan Murray, Mary Jeanette
Gonsalves, Leonard Rohan, Robert J.
Howarth, Robert L. Rushing, Byron — 8.

The yeas and nays having been completed at twenty-three minutes past four o’clock P.M., the proposal was ordered to a third reading.

Mr. Constantino of Clinton then moved that this vote be reconsidered.

After remarks on the motion to reconsider ordering the proposal to a third reading, Mr. Lionett of Worcester moved that the joint session stand in recess until two o’clock P.M. on Wednesday, December 16; and this motion prevailed. Accordingly, at twenty-five minutes before five o’clock P.M., the Senate withdrew from the House Chamber, under the escort of the Sergeant-at-Arms.

Recess.

At the hour of five o’clock P.M., the Speaker took the Chair and declared a recess subject to the call of the Chair, there being no objection; and at twenty-three minutes after six o’clock P.M. the House was called to order with Mr. Serra of Boston in the Chair.

Engrossed Bill.

The engrossed Bill making appropriations for salary increases for employees of the Commonwealth covered by certain collective bargaining agreements (see House, No. 6208, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, without amendment. Mr. Finneran of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill then was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Flaherty of Cambridge, —

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.
Mr. Flaherty then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-four minutes after six o'clock P.M. (Mr. Serra of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Serra of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Almighty God, we believe that You are compassionate and forgiving towards us. We pray that we too, will be compassionate and forgiving towards others, even in difficult circumstances. Let the good will and good spirit of this season of the year fill our hearts and minds. May we experience peace of mind and soul when we are faithful to You, Your values and precepts, and share our peace with others.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Serra), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Kelly of Dalton, petition (accompanied by bill, House, No. 6279) of Shaun P. Kelly, Jane M. Swift, Peter J. Larkin and Edward M. Reilly (mayor) (with the approval of the mayor and city council) for legislation to authorize the licensing authority of the city of Pittsfield to issue a license for the sale of all alcoholic beverages not to be drunk on the premises to Cozzi, Inc. d/b/a Rufo's Variety; and

By the same member, petition (accompanied by bill, House, No. 6280) of Shaun P. Kelly, Jane M. Swift, Peter J. Larkin and Edward M. Reilly (mayor) (with the approval of the mayor and city council) for legislation to authorize the licensing authority of the city of Pittsfield to issue a license for the sale of all alcoholic beverages to be drunk on the premises to Truffles & Such, Inc.; Severally to the committee on Government Regulations. Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to the operation of farm equipment on public ways (House, No. 2870) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“Section 9 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the
A Bill establishing a sick leave bank for Ann Navaroli, an employee of the Department of Social Services (Senate, No. 1669) (reported on a petition), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Goguen of Fitchburg, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: An Act establishing a sick leave bank for Ann Navaroli an employee of the Department of Social Services.

Bills
Relative to the sale of wine at auctions (Senate, No. 1626, amended by adding at the end thereof the following section: "SECTION 3. This act shall become inoperative on January first, nineteen hundred and ninety-five.") (reported on a petition);

Relative to the mobile home rent control board in the town of Williamstown (Senate, No. 1698, changed by striking out, in line 6, the words ", or take any other action thereto") (reported on a petition) [Local Approval Received];

Relative to the purchase or lease of mobile home parks in the town of Williamstown (Senate, No. 1699, changed by striking out, in lines 28 and 29, the words ", or take any other action in relation thereto") (reported on a petition) [Local Approval Received]; and

Relating to the amortization of bond anticipation notes in the town of Granby (Senate, No. 1706, changed in section 1 by striking out, in line 2, the following: "A") (reported on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were placed in the Orders of the Day for the next sitting for a second reading.

Bills
Providing that certain teachers shall be credited with service to nonpublic schools (Senate, No. 1582) (on Senate, No. 1122); and

Relative to amateur boxing in the Commonwealth (Senate, No. 1735) (on Senate, No. 1695);

Severally passed to be engrossed by the Senate, were read; and
they were referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on House, Nos. 4563 and 4564, a Bill amending the laws regarding the operation of certain watercraft (House, No. 4564).

By Mr. Caron of Springfield, for the committee on Public Safety, on a petition, a Bill relative to underground storage tank removal (House, No. 1723, changed by inserting after the word “slurry”, in line 6, the words “or removed from the ground” and by adding at the end thereof the following paragraph:

“Upon abandonment of a tank in place, notice of such abandonment shall be recorded with the registry of deeds in the county wherein said tank is located.”).

By the same member, for the same committee, on a petition, a Bill authorizing the certification of underwater and scuba divers and the organization of volunteer teams for such divers (House, No. 4919, changed by striking out the paragraph contained in lines 35 to 40, inclusive, and inserting in place thereof the following paragraph:

“Section 10G. Any motor vehicle customarily used and operated by such a certified underwater or scuba diver may be operated by him as an emergency vehicle under the provisions of section seven B of chapter eighty-nine and may be equipped with amber lights.”).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Herren of Fall River, for the committee on Energy, that the Bill relative to contracts for the purchase of energy management services (House, No. 6226) ought to pass. Placed in the Orders of the Day for the next sitting, the question being on ordering the bill to a third reading.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill to promote the economic development of interior designers (House, No. 2811) ought to pass with an amendment substituting therefor a Bill establishing a board of registration of interior designers (House, No. 6282).

By the same member, for the same committee, that the Bill providing for uniform administrative standards in the audit of federal funds received by state agencies (House, No. 5796) ought to pass with an amendment substituting therefor a Bill providing for uniform administrative standards in the audit of federal aid funds received by state agencies (House, No. 6283).

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.
By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Planning and Operations to grant easements over certain parkland in the town of Holbrook (House, No. 1805) ought to pass.

By the same member, for the same committee, that the Bill to enhance the delivery of medicolegal services in the Commonwealth (printed in House, No. 4622, changed) ought to pass.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. DiMasi of Boston, for the committee on the Judiciary, on a petition, a Bill authorizing the State Secretary to issue a certain amended record of marriage (House, No. 6237).

By Mr. Angelo of Saugus, for the committee on the Natural Resources and Agriculture, on a petition, a Bill to enhance and enforce environmental laws of the Commonwealth (House, No. 958).

By the same member, for the same committee, on a petition, a Bill to promote greater environmental protection in the Commonwealth (House, No. 959).

By the same member, for the same committee, on House, No. 775, a Bill relating to orders of condition for recreational activities at Nauset Beach within the towns of Orleans and Chatham (House, No. 6284).

By the same member, for the same committee, on House, No. 6158, a Bill removing the city of North Adams as a member of the Northern Berkshire Solid Waste Management District (House, No. 6285) [Local Approval Received].

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill exempting the transfer of a certain parcel of land in the town of Oxford from certain bidding laws (House, No. 5871) [Local Approval Received].

Severally read; and placed in the Orders of the Day for the next sitting for a second reading.

**Emergency Measure.**

The engrossed Bill establishing a sick leave bank for Ann Navaroli an employee of the Department of Social Services (see Senate, No. 1669), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments
to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Orders of the Day.

The engrossed Bill further regulating manufactured housing communities (see House, No. 6075, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 6248), was considered.

The amendment recommended by His Excellency then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 6281.

Sent to the Senate for concurrence.

The House Bill authorizing the Division of Capital Planning and Operations to grant a conveyance of certain land located in the town of Hubbardston (House, No. 3093), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Pacheco of Taunton, —

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty-eight minutes before twelve o'clock noon, on motion of Mr. Pacheco (Mr. Serra of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.
Met according to adjournment, at eleven o'clock A.M., with Mr. Serra of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we are grateful for the material and spiritual blessings which You bestow upon us each day. We are grateful, too, for Your guidance which enables us to make sound judgments and sensible decisions in personal and legislative affairs. As elected community leaders, grant us the wisdom to explain to the electorate today's complex political, social and economic issues. May we use the freedom which we enjoy as citizens of this pluralistic society to seek truth and to speak the truth at all times.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Serra), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative McIntyre of New Bedford.

During consideration of the Orders of the Day, Mr. Serra of Boston asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative McIntyre of New Bedford, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

Mr. Serra then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Statement Concerning Representative Thompson of Cambridge.

During consideration of the Orders of the Day, Mr. Serra of Boston asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Thompson of Cambridge, will not be present in the House Chamber for today's sitting due to a commitment outside of the Commonwealth to attend the Democratic Leadership Conference. Any roll calls that he may miss today will be due entirely to the reason stated.

Mr. Serra then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.
Special Report.

A report of the Department of Environmental Protection (under Section 14 of Chapter 36 of the Acts of 1992) relative to the prevention of pollution and securing the sanitary protection of all waters used as sources of water supply in the Commonwealth, was sent to the Senate for its information.

Petitions.

Mr. Poirier of North Attleborough presented a petition (accompanied by bill, House, No. 6286) of Kevin Poirier (by vote of the town) for legislation to exempt inspectors of plumbing, and sealers and deputy sealers of weights and measures in the town of Wrentham from the provisions of civil service law; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Cohen of Newton, petition (subject to Joint Rules 12 and 9) of David B. Cohen relative to further amending the act of incorporation of the American Association for the Advancement of Science.

By Mr. Nagle of Northampton, petition (subject to Joint Rule 12) of William P. Nagle, Jr., relative to public education in Massachusetts.

By Miss O'Brien of Easthampton, petition (subject to Joint Rule 12) of Shannon P. O'Brien relative to the County Government Finance Review Board.

By Mr. Ranieri of Bellingham, petition (subject to Joint Rule 12) of Daniel J. Ranieri and other members of the General Court for legislation to authorize the Division of Capital Planning and Operations to convey any ice skating rink and the land appurtenant thereto to the city or town in which such rink is located.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Reports

Of the committee on Taxation, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1668) of James P. Jajuga and Thomas G. Palumbo for legislation relative to the issuance of tax bills;

Of the petition (accompanied by bill, Senate, No. 1747) of Richard R. Tisei (with the approval of the mayor and board of aldermen) for legislation relative to quarterly taxes in the city of Melrose;

Of the petition (accompanied by bill, Senate, No. 1754) of William R. Keating for legislation relative to quarterly taxes in cities and towns; and
Of the petition (accompanied by bill, Senate, No. 1756) of David H. Locke for legislation relative to quarterly taxes in cities and towns;
And recommending that the same severally be referred to the Senate committee on Ways and Means.
Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition of Martin J. Dunn, Robert J. Rohan and Walter A. DeFilippi for legislation relative to the taxation of certain tangible property of domestic corporations predominantly used to generate, distribute or transmit electric power, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Taxation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1770) was referred, in concurrence, to the committee on Taxation.

Reports of Committees.

By Mr. Mandile of Waltham, for the committee on Public Service, on a petition, a Bill exempting the position of chief of police in the Newton police department from civil service (House, No. 6244), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Cohen of Newton, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: An Act exempting the position of chief of police in the city of Newton from the provisions of the civil service laws. Sent to the Senate for concurrence.

By Ms. Bump of Braintree, for the committee on Commerce and Labor, asking to be discharged from further consideration
Of the petition (accompanied by bill, House, No. 6079) of Suzanne M. Bump, Louis P. Bertonazzi, Charles F. Flaherty and Thomas P. Kennedy for legislation to establish a small business capital access program for Massachusetts;
Of the message from His Excellency the Governor recommending legislation relative to authorizing the creation of economic opportunity areas (House, No. 6083); and
Of the message from His Excellency the Governor recommending legislation relative to the immediate stimulation of increased job creating activity within the Commonwealth through the Massachusetts Industrial Finance Agency (House, No. 6084);
By Mr. Hodgkins of Lee, for the committee on State Administration, asking to be discharged from further consideration of a message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to stimulating
employment and encouraging the siting of certain federal facilities in the Commonwealth (House, No. 6267);

By Mr. Scaccia of Boston, for the committee on Taxation, asking to be discharged from further consideration
Of the message from His Excellency the Governor recommending legislation relative to the capital gains tax (House, No. 6086); and
Of the message from His Excellency the Governor recommending legislation relative to investment tax credit (House, No. 6087); and

By Mr. Karol of Attleboro, for the committee on Transportation, asking to be discharged from further consideration of the message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to furthering the establishment of a multi-purpose arena and transportation center (House, No. 6268);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committees.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Ann Navaroli, an employee of the Department of Social Services (see Senate, No. 1669) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills
Relative to the operation of farm equipment on public ways (see House, No. 2870, amended);
Relative to county agricultural schools (see House, No. 2952);
Designating a certain bridge in the town of Wareham as the Joseph R. Grassia Bridge (see House, No. 5816);
Relative to certain police injuries in the town of South Hadley (see House, No. 5964);
Authorizing the Wareham Fire District to rescind a certain vote (see House, 6031);
Authorizing the town of Wareham to pay a certain unpaid bill (see House, No. 6064); and
Directing the city of Northampton to grant a pension to Axel Diaz (see House, No. 6065);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill providing for the abandonment of conveyance of a right of way in the city of Brockton (see Senate, No. 1691, amended) (which originated in the Senate), having been certified by Brockton,—
the Clerk to be rightly and truly prepared for final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call 128 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 326 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The engrossed Bill authorizing the town of Sandwich to grant an easement in certain conservation land (see House, No. 5817) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 6253), was considered.

The amendment recommended by His Excellency then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

"The town of Sandwich is hereby authorized to grant an easement in certain conservation land, subject to the approval of the secretary of environmental affairs, located in said town to the Sandwich Water District for the installation, construction and maintenance of water mains and appurtenances. Said easement is shown on a plan of land, entitled 'Plan of Land in Sandwich, Mass. showing easements for Sandwich Water District, 72 Tupper Road, Sandwich, MA.' dated February 24, 1992 drawn by Kingsbury Surveying Co., which is on file in the office of said water district."

Sent to the Senate for concurrence.

House bills

Authorizing the Division of Capital Planning and Operations to convey a certain parcel of land and easements in the town of Plymouth to Hector E. Patenaude, Jean W. Patenaude and Margaret W. Stacy (House, No. 4953, amended) (its title having been changed by the committee on Bills in the Third Reading); and Establishing the Massachusetts Security for Public Deposits Commission (House, No. 5001);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading bill.

The House Bill protecting the Boston Public Garden (House, No. 5407) was read a third time.

The committee on Bills in the Third Reading reported asking to
be discharged from further consideration of the bill; and the report was accepted.

The bill then was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the establishment of a state karate commission (House, No. 3251) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Said committee reported recommending that the bill be amended in section 1 by striking out the five paragraphs contained in lines 24 to 71, inclusive; and in section 2 by striking out, in lines 81 and 82, the words “, and section fifteen of chapter two hundred of the acts of nineteen hundred and eighty-five”, and by striking out the five paragraphs contained in lines 275 to 317, inclusive.

The amendments were adopted; and the bill (House, No. 3251, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to contracts for the purchase of energy management services (House, No. 6226) was ordered to a third reading.

Senate bills
Relative to the sale of wine at auctions (Senate, No. 1626, amended);
Relative to the mobile home rent control board in the town of Williamstown (Senate, No. 1698, changed);
Relative to the purchase or lease of mobile home parks in the town of Williamstown (Senate, No. 1699, changed); and
Relating to the amortization of bond anticipation notes in the town of Granby (Senate, No. 1706, changed); and
House bills
Relative to the protection of persons crossing or attempting to cross ways (House, No. 30, changed);
Authorizing the Division of Capital Planning and Operations to grant easements over certain parkland in the town of Holbrook (House, No. 1805);
To enhance the delivery of medicolegal services in the Commonwealth (printed in House, No. 4622, changed);
Authorizing the State Secretary to issue a certain amended record of marriage (House, No. 6237); and
Removing the city of North Adams as a member of the Northern Berkshire Solid Waste Management District (House, No. 6285);
Severally were read second time; and they were ordered to a third reading.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Cabral of New Bedford (Mr. Serra of Boston being in the Chair), the House recessed until the hour of one o'clock P.M.; and
at four minutes after one o'clock the House was called to order with Mrs. Menard of Somerset in the Chair.

The motion of Mr. Businger of Brookline, that the committee on Ways and Means be discharged from further consideration of the House Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) was considered.

Pending the question on the motion to discharge the committee, further consideration thereof was postponed, on motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill prohibiting bullfighting (Senate, No. 962) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Cabral of New Bedford, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on concurring with the Senate in its amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until after disposition of the remaining matters in the Orders of the Day.

House bills
To enhance and enforce environmental laws of the commonwealth (House, No. 958); and
To promote greater environmental protection in the Commonwealth (House, No. 959);
 Severally were read a second time; and they were ordered to a third reading.

The House Bill to promote the economic development of interior designers (House, No. 2811) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a Bill establishing a board of registration of interior designers (House, No. 6282), — was adopted.

The substituted bill then was ordered to a third reading.

The House Bill providing for uniform administrative standards in the audit of federal funds received by state agencies (House, No. 5796) was read a second time.

The amendments previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a
Bill providing for uniform administrative standards in the audit of federal aid funds received by state agencies (House, No. 6283), — was adopted.

The substituted bill then was ordered to a third reading.

House bills
Exempting the transfer of a certain parcel of land in the town of Oxford from certain bidding laws (House, No. 5871); and
Relating to orders of condition for recreational activities at Nauset Beach within the towns of Orleans and Chatham (House, No. 6284); Severally were read a second time; and they were ordered to a third reading.

Motions to Direct the Clerk to Place Certain Matters Before the House.

There being no objection, — Messrs. Reinstein of Revere and DeLeo of Winthrop moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of item 2440-0011 in section 2 (for message, see House, No. 6077) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 6010, amended]; and the motion prevailed.

Item 2440-0011 (Cronin Skating Rink in Revere) was considered as follows:

"Metropolitan District Commission.

2440-0011 For the cost of rebedding the Cronin Rink in the city of Revere 750,000."

After debate the question on passing item 2440-0011 (contained in section 2), notwithstanding said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 86 members voted in the affirmative and 46 in the negative.

[See Yea and Nay No. 327 in Supplement.]

Therefore the objections of His Excellency the Governor in item 2440-0011 (contained in section 2) were sustained (less than two-thirds of the members present and voting having voted in the affirmative). Mr. Reinstein moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mrs. McKenna of Holden; and on the roll call 92 members voted in the affirmative and 32 in the negative.

[See Yea and Nay No. 328 in Supplement.]

Therefore the motion to reconsider prevailed.

The recurring question on passing item 2440-0011 (contained in section 2), notwithstanding said objections, then was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 86 members voted in the affirmative and 46 in the negative.
passed,—

yea and nay
No. 329.

Supplemental appropriations,
— section 2B. I, item 2440-0011.

Municipal employees,—
early retirement incentive.

to the Constitution; and on the roll call 93 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 329 in Supplement.]

Therefore item 2440-0011 (contained in section 2) was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

There being no objection, — Messrs. Reinstein of Revere and DeLeo of Winthrop moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of item 2440-0011 in section 2B. I (for message, see House, No. 6077) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 6010, amended]; and the motion prevailed.

Item 2440-0011 (Cronin Skating Rink in Revere) was considered as follows:

"Metropolitan District Commission.

2440-0011 .................................................. 750,000”.

The question on passing item 2440-0011 (contained in section 2B. I), notwithstanding said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 94 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 330 in Supplement.]

Therefore item 2440-0011 (contained in section 2B. I) was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Paper from the Senate.

The House Bill providing for an early retirement program for certain employees (House, No. 6203) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 1 striking out, in line 15, the words “a member” and inserting in place thereof the words “an active member-in-service”; and striking out, in line 48 and also in line 50, the words “September first” and inserting in place thereof, in each instance, the words “December thirty-first”.

Under suspension of Rule 35, on motion of Mr. Blanchette of Lawrence, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Ms. Evans of Wayland then moved that the House concur with the Senate in its amendments with a further amendment by adding at the end thereof the following section:
"SECTION 7. The provisions of this act shall only apply to those communities whose asset to liability ratio is equal to or greater than fifty percent."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Evans; and on the roll call 24 members voted in the affirmative and 104 in the negative.

[See Yea and Nay No. 331 in Supplement.]
Therefore the further amendment was rejected.
The House then concurred with the Senate in its amendments.

Order.

On motion of Ms. Donovan of Woburn, —

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o’clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.

Mr. Pacheco of Taunton then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at four minutes before three o’clock P.M. (Mrs. Menard of Somerset being in the Chair), the House adjourned, to meet on Thursday next at eleven o’clock A.M., in an Informal Session.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Voke of Chelsea in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Almighty God, the Ultimate Source of Goodness and Compassion, we humbly ask You to fill our hearts and minds with peace and joy. May the spirit of the season open our eyes to recognize and appreciate the good will, good intentions and the good deeds of friends and neighbors. Teach us to remember that we are all members of the one human family. We pray also, for the safety and the success of the mission of our forces in Somalia. May their efforts restore the physical safety and health of the people and good order in the society.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Voke), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Rushing of Boston.

During the session, Mr. Rushing of Boston asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sittings of Tuesday, December 1 and Wednesday, December 2, due to a longstanding agreement to deliver the keynote address to the Episcopal Evangelism Leaders Conference in Glorita, New Mexico. Any roll calls that I may have missed was due entirely to the reason stated. If I had been present for the joint session on December 2, I would have voted ‘Yea’ on Roll Call No. 324, and ‘Nay’ on Roll Call No. 325.

Mr. Rushing then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Quarterly Report.

A quarterly report of the Department of Employment and Training (under Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Compensation Trust Fund, was placed on file.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:
Resolutions (filed by Mr. Decas of Wareham) commending Firefighter Richard S. Sleightholm of the Wareham Fire District for his heroic actions;

Resolutions (filed by Mr. Karol of Attleboro) congratulating the Ritz-Carlton Hotel Company on winning the nineteen hundred and ninety-two Malcolm Baldrige National Quality Award;

Resolutions (filed by Messrs. Kennedy of Brockton, Cruz of West Bridgewater and Mara of Brockton) congratulating the Brockton High School football team on winning the Eastern Massachusetts Division 1A Super Bowl;

Resolutions (filed by Mr. Koczera of New Bedford) honoring Isidore Eisner;

Resolutions (filed by Mr. Moore of Uxbridge) congratulating Patsy G. Bisceglia on the occasion of his retirement;

Resolutions (filed by Messrs. Travis of Rehoboth and Karol of Attleboro) congratulating Jonathan Munson on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Travis of Rehoboth and Karol of Attleboro) congratulating Brett Roberts on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Messrs. Travis of Rehoboth and Karol of Attleboro) congratulating James Stuart on receiving the Eagle Award of the Boy Scouts of America;

Mr. Serra of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Mr. Kollios of Millbury, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Larkin of Pittsfield presented a petition (subject to Joint Rule 12) of Peter J. Larkin, Jane M. Swift, Shaun P. Kelly, Edward M. Reilly (mayor) and others (with the approval of the mayor and city council) for legislation to authorize the city of Pittsfield to establish a retirement system funding schedule; and the same was referred, under Rule 24, to the committee on Rules.

Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. Larkin of Pittsfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

The engrossed Bill relative to the maintenance of personnel records (see House, No. 5494, amended) came from the Senate with the following amendment:

Striking out all after the enacting clause and inserting in place thereof the following:
“SECTION 1. The definition of ‘Personnel Record’ in section 52C of chapter 149 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following two sentences: — Without limiting the applicability or generality of the foregoing, all of the following written information or documents prepared by an employer of twenty or more employees regarding an employee shall be included in the personnel record for that employee: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer in response to his advertisement by the employee; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee. A personnel record shall be maintained in typewritten or printed form or may be handwritten in indelible ink.

SECTION 2. The third paragraph of section 52C of said chapter 149, as so appearing, is hereby amended by adding the following sentence: — The provisions of this section shall not prohibit the removal of information contained in a personnel record upon mutual agreement of the employer and employee for any reason.

SECTION 3. Said section 52C of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following three paragraphs: — An employer of twenty or more employees shall retain the complete personnel record of an employee as required to be kept under this section without deletions or expungement of information from the date of employment of such employee to a date three years after the termination of employment by the employee with such employer. In any cause of action brought by an employee against such employer of twenty or more employees in any administrative or judicial proceeding, including but not limited to, the Massachusetts Office of Affirmative Action, the Massachusetts Commission Against Discrimination, Massachusetts Civil Service Commission, Massachusetts Labor Relations Commission, Department of Labor and Industries, or a court of appropriate jurisdiction, such employer shall retain any personnel record required to be kept under this section which is relevant to such action until the final disposition thereof.

If an employer of twenty or more employees elects to have a written personnel policy regarding the terms and conditions of employment, such personnel policy, as the same may be amended from time to time, shall be continuously maintained at the office of such employer where personnel matters are administered.

Whoever violates the provisions of this section shall be punished by a fine of not less than five hundred nor more than twenty five
hundred dollars. This section shall be enforced by the Department of Labor and Industries.

Under suspension of Rule 35, on motion of Ms. Bump of Braintree, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Mrs. McKenna of Holden then moved that the House concur with the Senate in its amendment with a further amendment in section 1 (as inserted by amendment by the Senate) by inserting after the word "documents" [at "A"], the words "to the extent". The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The engrossed Bill making certain corrective changes in certain general and special laws (see House bill printed in House, No. 5904) came from the Senate with the following amendments:

In section 57 striking out, in line 3, the figures "37" and inserting in place thereof the figures "38";

Striking out section 62;

In section 77 inserting after the figures "67", in line 2, the figures "71", and striking out, in lines 2 and 3, the following: "and in line 125" and inserting in place thereof the following: "125 and 135";

In section 84 by striking, in line 4, the following: "Section 2W" and inserting in place thereof the following: "Section 2X";

Striking out section 99;

Striking out section 112 and inserting in place thereof the following section:

"SECTION 110. Section 12 of said chapter 30B is hereby amended by striking out, in lines 58 and 59, as appearing in the 1990 Official Edition, the words "department of environmental quality engineering, also known as"

In section 133 striking out, in line 2, the figures "380" and inserting in place thereof the figures "381";

In section 135 by striking out, in line 2, the figures "244" and inserting in place thereof the figures "243";

In section 148 inserting after the word "the", in line 2, the words ", the third time it appears";

Striking out section 162;

In section 163 striking out, in line 1, the following: "Said section 14 of said chapter 90B" and inserting in place thereof the following: "Section 14 of chapter 90B of the General Laws";

Striking out section 168;

In section 170 striking out, in line 1, the figures "169" and inserting in place thereof the figures "165";

In section 177 striking out, in line 1, the following: "111D" and inserting in place thereof the following: "2D";

In section 189 striking out, in line 2, the following: "section 19 of chapter 495 of the acts of 1991" and inserting in place thereof the following: "section 477 of chapter 133 of the acts of 1992";

Striking out section 206;
In section 232 striking out, in line 11, the word “saving” and inserting in place thereof the word “savings”;

Striking out sections 255, 272 and 276;

In section 278 striking out, in line 1, the following: “of 1990, is hereby” and inserting in place thereof the following: “of 1990, as amended by section 584 of chapter 133 of the acts of 1992, is hereby further”;

In said section 278 striking out the last paragraph and inserting in place thereof the following paragraph:

“Fifty percent of said revenue shall be deposited in the general fund for the purposes of the school building assistance program as contained in item 7010-0059 of section two of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two.”;

Striking out section 287 and inserting in place thereof the following section:

“SECTION 279. Sections one hundred and twelve, one hundred and twenty-two, one hundred and thirty-three, one hundred and thirty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty-six, one hundred and seventy-one, two hundred and one and two hundred and fifty of this act shall take effect on July first, nineteen hundred and ninety-two.”;

Renumbering the sections of the bill consistent with the provisions of the foregoing amendments.

Under suspension of Rule 35, on motion of Mr. DiMasi of Boston, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Bills

Establishing the Massachusetts freedom medal for certain prisoners of war (Senate, No. 1672) (on Senate, No. 545);

To provide for distinctive license plates for members of the Ancient and Honorable Artillery Company (Senate, No. 1741) (reported on a petition); and

Relative to certain insurance coverage for off-label uses of prescription drugs used for the treatment of cancer (Senate, No. 1772, amended by striking out section 4 and inserting in place thereof the following section:

“SECTION 4. Chapter 176G of the General Laws is hereby amended by inserting after Section 4D, the following section: —

Section 4E. A group health maintenance contract shall provide coverage for off-label uses of prescription drugs used in the treatment of cancer as set forth in sections 47J and 47K of chapter one hundred and seventy-five; provided, however, that neither the attending physician nor the health maintenance organization shall be liable in a suit for damages as a result of the acts or omissions of the attending physician or the health maintenance organization in connection with compliance with this section.”) (on Senate, No. 689);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.
Bills

Relative to patient rights (Senate, No. 105) (reported on a petition);
Relative to the certificate of result of analysis of narcotic drugs, poisons, drugs, medicines or chemicals (Senate, No. 399) (reported on a petition); and
Relative to apportionment of wards and precincts (Senate, No. 1704, changed by adding at the end thereof the following section:

"SECTION 3. Section 24 of said chapter 54, as most recently amended by section 9 of chapter 234 of the acts of 1991, is hereby further amended by inserting after the third sentence the following sentence: — In any city or town, if the polling places for two or more precincts are located in the same building and the total number of registered voters in any such two or more precincts does not exceed three thousand, only one set of election officers need be appointed for such precincts, but separate ballot boxes and voting lists for each precinct shall be used." (reported on a petition);

Severally passed to be engrossed by the Senate, were read; and they were placed in the Orders of the Day for the next sitting for a second reading.

A petition (accompanied by bill, Senate, No. 1774) of William R. Keating and John H. Rogers (by vote of the town) for legislation to authorize the conservation commission of the town of Norwood to grant a certain utility easement, was referred, in concurrence, to the committee on Local Affairs.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Daniel J. Ranieri and other members of the General Court for legislation to authorize the Division of Capital Planning and Operations to convey any ice skating rink and the land appurtenant thereto to the city or town in which such rink is located. Under suspension of Rule 42, on motion of Mr. Larkin of Pittsfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill authorizing the city of Boston to convey certain parcels of land on Lamartine Street (House, No. 6181), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. McDonough of Boston, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.
Development agency—establishment.

By Mr. Hodgkins of Lee, for the committee on State Administration, asking to be discharged from further consideration of the message from His Excellency the Governor recommending legislation relative to the establishment of the Massachusetts development agency (House, No. 6085), — and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

Boston, incorporation of new city.

Utilization review.

Tri-county Regional School District.

Schooner Ernestina Commission.

Carjacking, criminal penalty.

Millbury, recall elections.

Millbury, referendum petitions.

West Bridgewater, treasurer-collector.

Dartmouth, executive administrator.

Becket, town administrator.

Greenfield, charter.

By Mr. Rushing of Boston, for the committee on Local Affairs, on House, No. 5862, a Bill relative to the incorporation of a new city from various existing precincts in the city of Boston (House, No. 6289). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Buell of Greenfield, for the committee on Health Care, on House, No. 4101, a Bill relative to utilization review (House, No. 6290).

By Mr. Ranieri of Bellingham, for the committee on Local Affairs, on a petition, a Bill relative to the Tri-county Regional Vocational Technical School District (House, No. 6269).

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, No. 6102, a Bill relative to the Schooner Ernestina Commission (House, No. 6291).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, on House, No. 6204, a Bill relative to carjacking (House, No. 6296).

By Mr. Moore of Uxbridge, for the committee on Election Laws, on a petition, a Bill providing for recall elections in the town of Millbury (House, No. 6234) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill providing for referendum petitions in the town of Millbury (House, No. 6235) [Local Approval Received].

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill providing for the appointment of the treasurer-tax collector in the town of West Bridgewater (House, No. 6187) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing the position of executive administrator in the town of Dartmouth (House, No. 6188, changed in section 2 by inserting after the word "Town", in line 2, the words "within the policies and goals established by the Board of Selectmen") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the position of town administrator in the town of Becket (House, No. 6189) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Greenfield (House, No. 6193) [Local Approval Received].
By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Acushnet (House, No. 6194) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill exempting the Plymouth/Carver Regional School District from its teachers’ salary deferral for fiscal year 1993 (House, No. 6197).

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Provincetown (House, No. 6222) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the mayor of the city of Springfield to sell and convey a certain parcel of land known as the “Tapley school playground”, currently under the control of the city of Springfield Park Department, for the purpose of development (House, No. 6241) [Local Approval Received].

By the same member, for the same committee, on House, No. 6220, a Bill establishing a selectmen-administrator form of government for the town of Stoneham (House, No. 6292) [Local Approval Received].

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill further regulating the rights of certain fire fighters and police officers who were laid off (House, No. 2181).

By the same member, for the same committee, on House, Nos. 5860 and 5943, a Bill exempting the clerical positions in the town of Billerica from the provisions of the civil service law (House, No. 5860) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to reduction in rank for employees of the police force in the city of Quincy (House, No. 6062, changed in section 1 by striking out, in line 7, the word “each” and inserting in place thereof the word “such”) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for an employee of the Department of Public Works (House, No. 6117).

By the same member, for the same committee, on a petition, a Bill exempting certain positions in the town of West Springfield from the civil service law (House, No. 6190) [Local Approval Received].

By the same member, for the same committee, on Senate, No. 1750 and House, No. 6215, a Bill exempting the position of town accountant of the town of Randolph from the civil service law (House, No. 6215) [Local Approval Received].

By the same member, for the same committee, on Senate, No. 1751 and House, No. 6216, a Bill exempting the position of police chief of the town of Randolph from the civil service law (House, No. 6216) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a sick bank for a certain employee of the Department of Mental Health (House, No. 6270).

By the same member, for the same committee, on a petition, a Bill to establish a funding schedule for the city of Salem retirement system (House, No. 6271) [Local Approval Received].
By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for an employee of the Department of Mental Health (House, No. 6272).

By the same member, for the same committee, on House, No. 5320, a Bill exempting certain positions in the Brookline building department from civil service (House, No. 6293) [Local Approval Received].

By the same member, for the same committee, on House, No. 5870, a Bill exempting certain school department positions from civil service in the town of Brookline (House, No. 6294) [Local Approval Received].

By the same member, for the same committee, on House, No. 6212, a Bill establishing a certain funding schedule for the city of Fitchburg retirement system (House, No. 6295) [Local Approval Received].

By Mr. Karol of Attleboro, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Templeton as the Second Lt. William D. Ordway/Vietnam Veterans Memorial Bridge (House, No. 6274, changed in section 1 by striking out, in lines 1 and 2, the words “The bridge on North Main street in the town of Templeton” and inserting in place thereof the words “A certain bridge located on Main Street in the Village of Otter River, town of Templeton.”).

Severally read; and placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for a certain employee of the Trial Court of the Commonwealth (see House, No. 6162, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 21 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill providing for an early retirement incentive program for certain employees (see House, No. 6203, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments
to the Constitution; and the preamble was adopted, by a vote of 21 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

The engrossed Bill relative to the revision of terms of mortgages (see House, No. 6022, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills
Relative to home improvement loans (see House, No. 5151);
Authorizing the city of Worcester to lease a certain building in Newton Hill Park (see House, No. 6026);
Relative to the charter of the town of Norwell (see House, No. 6174);
Establishing a funding schedule for the contributory retirement system of the town of Brookline (see House, No. 6198);
Exempting the position of chief of police in the town of Brookline from the provisions of the civil service law (see House, No. 6247); and
Relative to the charter of the town of Rockland (see House, No. 6249);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill establishing a board of health in the town of Marion (Senate, No. 1585), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Order.

On motion of Mr. McDonough of Boston, —
Ordered, That when the House adjoins today, it adjourn to meet on Monday next at eleven o’clock A.M.

At twenty-nine minutes before twelve o’clock noon, on motion of Mr. McDonough (Mr. Voke of Chelsea being in the Chair), the House adjourned, to meet on Monday next at eleven o’clock A.M.

Met according to adjournment, at eleven o’clock A.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we believe in You and place our trust in You, Your ways and precepts, and in Your personal concern for our well-being. Guide our efforts to serve You and the people of our districts faithfully and conscientiously. We ask You to enlighten our minds so that we comprehend the cultural, social and political changes of these times. We also depend upon Your help to do what is ethically and rationally sound in resolving issues. In planning for the future of the people and the Commonwealth, inspire us to remain committed to our ideals, principles, and to common sense in proposing legislation.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative McIntyre of New Bedford.

During consideration of the Orders of the Day, Mr. Voke of Chelsea asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative McIntyre of New Bedford, will not be present in the House Chamber for today’s sitting due to official business in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

Mr. Voke then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Resolutions.

Resolutions (filed with the Clerk by Mr. Tolman of Watertown) congratulating the Watertown High School field hockey team on winning the nineteen hundred and ninety-two Division 2 State Championship, were referred, under Rule 85, to the committee on Rules.

Mr. Voke of Chelsea, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of Rule 41, on motion of Mr. Tolman, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Special Reports.

Lottery.—Of the State Lottery Commission (under Section 24 of Chapter 10 of the General Laws) relative to the total revenues, prize
disbursements and other expenses of the Arts Lottery and the Lottery for the months of June, July, August and September of 1992;

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Massachusetts Boot Camp located in the town of Bridgewater;

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Old Colony Correctional Center located in the town of Bridgewater;

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Massachusetts Correctional Institution located in the town of Framingham;

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the South Middlesex Pre-release Center located in the town of Framingham;

Mr. Hodgkins of Lee presented a petition (subject to Joint Rule 12) of Christopher J. Hodgkins, Shaun P. Kelly, Daniel E.
Bosley and Peter J. Larkin relative to the financing and development of a criminal detention facility and boot camp in Berkshire County; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Voke of Chelsea, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. Hodgkins, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

**Papers from the Senate.**

A Bill authorizing the Department of Environmental Management to lease certain land and improvements to the New Bedford harbor development commission (Senate, No. 1737) (reported on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A report of the committee on Local Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1764) of Patricia McGovern, Joseph N. Hermann, Kevin P. Blanchette, Kevin J. Sullivan, mayor, and others (with the approval of the city council) for legislation relative to certain financial provisions for the city of Lawrence, and recommending that the same be referred to the Senate committee on Ways and Means, — accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition of Paul D. Harold, William R. Keating, Edward P. Kirby, Michael W. Morrissey, Richard A. Voke, Michael J. Sullivan and Edward G. Connolly for legislation to prohibit the charging or levying of certain fees on congressionally chartered veteran's organizations for the use of State House facilities, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration. The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1778) was referred, in concurrence, to the committee on State Administration.

**Reports of Committees.**

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Shannon P. O'Brien relative to the County Government Finance Review Board.
Under suspension of Rule 42, on motion of Miss O'Brien of Easthampton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Counties. Sent to the Senate for concurrence.

Mr. Bosley of North Adams, for the committee on Ways and Means, to whom were referred the Bill relative to incentives for economic development (House, No. 5696), and the messages from His Excellency the Governor (House, Nos. 6083, 6084, 6085, 6086 and 6087) reports, in part, a Bill relative to incentives for economic development (House, No. 6298) [Cost: $10,000,000.00].

Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Flaherty of Cambridge, for said committee, reported that the bill ought to pass. Placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to the disposition of certain state owned property at the “Ponkapoag outdoor center”, so-called, at the Blue Hills Reservation in the town of Canton (Senate, No. 1447) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill relative to the insolvent fund for workers' compensation benefits (Senate, No. 1588) ought to pass with an amendment.

By the same member, for the same committee, that the Bill amending the law relating to school buses and the operation thereof (House, No. 1742) ought to pass with an amendment.

By the same member, for the same committee, that the Bill increasing the time in which real property owned by the Central County Development Corporation may be exempt from taxation by the city or town in which it is located (House, No. 1813) ought to pass with an amendment.

By the same member, for the same committee, that the Bill amending the law relating to school buses and the operation thereof (House, No. 1742) ought to pass with an amendment.

By the same member, for the same committee, that the Bill amending the law relating to school buses and the operation thereof (House, No. 1742) ought to pass with an amendment.

By the same member, for the same committee, that the Bill amending the law relating to school buses and the operation thereof (House, No. 1742) ought to pass with an amendment.
and Operations to convey a certain parcel of land in the city of Springfield to Western New England College (House, No. 6299).

By the same member, for the same committee, that the Bill creating the clean water fund to further protect the natural resources of the Commonwealth (House, No. 4537, changed) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 6300).

By the same member, for the same committee, that the Bill relative to land in the town of Belchertown (House, No. 6217) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 6301).

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill providing that certain teachers shall be credited with service to nonpublic schools (Senate, No. 1582) ought to pass.

By the same member, for the same committee, that the Bill further regulating alcoholic beverage licenses (House, No. 915) ought to pass.

By the same member, for the same committee, that the Bill relative to conservation and right-of-way easements along the Mill River in the city of Northampton (House, No. 1796) ought to pass.

By the same member, for the same committee, that the Bill to facilitate the transfer of lobster licenses (House, No. 5089) ought to pass.

By the same member, for the same committee, that the Bill to develop a public water supply in the town of Nantucket (House, No. 5630) ought to pass.

By the same member, for the same committee, that the Bill establishing public counsel fees for residents of inpatient mental health facilities (printed in House, No. 6021) ought to pass.

By the same member, for the same committee, that the Bill establishing the United States Naval shipbuilding museum corporation (House, No. 6032) ought to pass.

By the same member, for the same committee, that the Bill relative to the issuance of a real estate brokers license of Roger Cove (House, No. 6170) ought to pass.

By the same member, for the same committee, that the Bill relative to the Belchertown housing authority (House, No. 6218) ought to pass.

By the same member, for the same committee, that the Bill relative to the regulation of carriage horses (House, No. 6259) ought to pass.

By the same member, for the same committee, that the Bill relative to the Tri-county Regional Vocational Technical School District (House, No. 6269) ought to pass.

Severally placed in the Orders of the Day for the next sitting for a second recording.

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill authorizing the city of Gloucester to pay a certain unpaid bill (House, No. 6182) [Local Approval Received].
Mrs. Menard of Somerset, for the committees on Rules of the two branches, acting concurrently, to whom was referred the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning the courts of the Commonwealth and other related matters (House, No. 5663) reports, in part, a Bill relative to a procedures clerk in the Holyoke District Court (House, No. 954).

By Mr. Hodgkins of Lee, for the committee on State Administration, on Senate, No. 1753 and House, No. 6214, a Bill enabling the board of selectmen of the town of Randolph to appoint a former selectman to the position of executive secretary to the board of selectmen upon approval of town meeting (House, No. 6214) [Local Approval Received].

By Mr. Finneran of Boston, for the committee on Ways and Means, on a petition, a Resolve in favor of the heirs of Anna L. Bunker (House, No. 1061).

The same member, for the same committee, on a message from His Honor the Lieutenant-Governor, Acting Governor (House, No. 5843) reports, in part, a Bill providing for the Executive Office of Health and Human Services facility consolidations (House, No. 6302) [New Bond Authorization: $210,740,755.00 — Old Bond De-authorization: $212,053,187.00].

Severally read; and placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

The engrossed Bill making certain corrective changes in certain general and special laws (see House bill printed in House, No. 5904, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 17 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Mary Rae Sirois, an employee of the Department of Social Services (see House, No. 6231), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 15 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill establishing a board of health in the town of Marion (see Senate, No. 1585) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared
Wayland,—
conservation
restriction.

Bill enacted
(land taking),—
yea and nay
No. 332.

Employees of
the Common-
welfare,—
 salaries.

On postpone-
ment,—
yea and nay
No. 333.

for final passage, was passed to be enacted; and it was signed by
the Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

Mr. Travis of Rehoboth being in the Chair, — the engrossed Bill
authorizing the town of Wayland to release a certain conservation
restriction (see House, No. 5839) (which originated in the House),
having been certified by the Clerk to be rightly and truly prepared
for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of
the House was taken by yeas and nays (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); and on the roll call 133 members voted in the
affirmative and 0 in the negative.

[See Yea and Nay No. 332 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by
the acting Speaker and sent to the Senate.

Message from the Governor — Veto.

The Speaker being in the Chair, — a message from His Excellency
the Governor returning with his objections thereto in writing the
engrossed Bill making appropriations for salary increases for
employees of the Commonwealth covered by certain collective
bargaining agreements [see House, No. 6208, amended] (for
message, see House, No. 6303) was filed in the Office of the Clerk
on Thursday, December 10.

The message was read; and, under the provisions of Article II of
Section I of Chapter I of the Constitution, the House proceeded to
"reconsider" the said bill.

Pending the question on passing the bill, notwithstanding the said
objections, further consideration thereof was postponed, on motion
of Mr. Finneran of Boston, until the hour of one o'clock P.M.

The noon recess having terminated, — after debate Mr. Lionett
of Worcester moved that further consideration thereof be postponed
until Friday, December 18.

After remarks on the motion to postpone (Mr. Voke of Chelsea
being in the Chair), the sense of the House was taken by yeas and
nays, at the request of the same member; and on the roll call 27
members voted in the affirmative and 77 in the negative.

[See Yea and Nay No. 333 in Supplement.]

[Representatives Angelo of Saugus, Brett of Boston, Brewer of
Barre, Clancy of Lynn, Coon of Andover, Correia of Fall River,
Evans of Wayland, Fitzgerald of Boston, Flaherty of Cambridge,
Glodis of Worcester, Goguen of Fitchburg, Herrmann of North
Andover, Herren of Fall River, Jehlen of Somerville, Koczera of
New Bedford, LeLacheur of Lowell, Manning of Milton, Menard
of Somerset, Merced of Boston, Morrissey of Quincy, Nagle of
Northampton, O'Sullivan of Worcester, Pacheco of Taunton,
Petrolati of Ludlow, Rourke of Lowell, Scibelli of Springfield, Story of Amherst, Tobin of Quincy, Walrath of Stow, Walsh of Boston and Walsh of Peabody answered "Present" in response to their names.

Therefore the motion to postpone was negatived.

The question on passing the bill, notwithstanding the said objections, then was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 85 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 334 in Supplement.]


Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having voted in the affirmative). Mr. Blanchette of Lawrence moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill then was sent to the Senate for its action.

Orders of the Day.

The engrossed Bill establishing sick leave banks for certain employees of the Commonwealth (see House, No. 6116, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House No. 6157), was considered.

The amendment recommended by His Excellency the Governor then was considered in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding any general or special law, rule or regulation to the contrary, the judiciary is hereby authorized and directed to establish a sick leave bank for Dolores Dupre, an employee of the supreme judicial court. Any employee of the judiciary may voluntarily contribute one or more of his personal or vacation days to said bank for use by said Dolores Dupre."

The amendment was rejected. Sent to the Senate for its action.

Senate bills
Designating a certain baseball field in the city of Somerville as the Frank Oliveto, Jr. Baseball Field (Senate, No. 1438);
Increasing the membership on the Methuen commission on disability in the city known as the town of Methuen (Senate, No. 1622); and

Authorizing the town of Lincoln to pay certain unpaid bills (Senate, No. 1683) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills
Relative to the protection of persons crossing or attempting to cross ways (House, No. 30, changed);
Providing for the abandonment and conveyance of a right of way in Medfield (House, No. 1590);
Authorizing the installation of certain traffic control signals in the town of Milton (House, No. 2581) (its title having been changed by the committee on Bills in the Third Reading);
Further regulating the Board of Registration in Nursing (House, No. 3005);
Relative to expired licenses for firearms (House, No. 4577) (its title having been changed by the committee on Bills in the Third Reading);
Relative to the delivery of medicolegal services in the Commonwealth (printed in House, No. 4622, changed) (its title having been changed by the committee on Bills in the Third Reading);
Relative to the membership of the Martha's Vineyard Commission (House, No. 4918);
Authorizing the city of Newton to arrange for an employee disability insurance policy (House, No. 5306);
Exempting the transfer of a certain parcel of land in the town of Oxford from certain bidding laws (House, No. 5871);
Relative to the definition of the word elevator (House, No. 6138) (its title having been changed by the committee on Bills in the Third Reading);
Relative to town meeting members in the town of Milford (House, No. 6159);
Further regulating contracting procedures in the city of Boston (House, No. 6160) (its title having been changed by the committee on Bills in the Third Reading);
Relative to residential long term care services for the elderly (House, No. 6207) (its title having been changed by the committee on Bills in the Third Reading);
Authorizing the State Secretary to issue a certain amended record of marriage (House, No. 6237); and
Providing for uniform administrative standards in the audit of federal aid funds received by state agencies (House, No. 6283); and

The House Resolve extending the time within which the special commission established to make an investigation and study relative to revising the vehicle emissions inspections and maintenance
program shall file its report (House, No. 6227) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to the mobile home rent control board in the town of Williamstown (Senate, No. 1698, changed) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the Senate Bill relative to the purchase or lease of mobile home parks in the town of Williamstown (Senate, No. 1699, changed), likewise referred to said committee, and substituting therefor a Bill relative to the mobile home parks in the town of Williamstown (House, No. 6305), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill requiring marinas, yacht clubs and boat yards to make certain reports to harbormasters (House, No. 4291) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 6306), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill removing the city of North Adams as a member of the Northern Berkshire Solid Waste Management District (House, No. 6285) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill providing for the removal of the city of North Adams as a member of the Northern Berkshire Solid Waste Management District (House, No. 6307), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to the certificate of result of analysis of narcotic drugs, poisons, drugs, medicines or chemicals (Senate, No. 399); and

House bills

Further regulating the rights of certain fire fighters and police officers who were laid off (House, No. 2181);

Exempting the clerical positions in the town of Billerica from the provisions of the civil service law (House, No. 5860);

Relative to reduction in rank for employees of the police force in the city of Quincy (House, No. 6062, changed);

Establishing a sick leave bank for an employee of the Department of Public Works (House, No. 6117, changed);
Providing for the appointment of the treasurer-tax collector in the town of West Bridgewater (House, No. 6187);
Establishing the position of executive administrator in the town of Dartmouth (House, No. 6188, changed);
Relative to the position of town administrator in the town of Becket (House, No. 6189);
Exempting certain positions in the town of West Springfield from the civil service law (House, No. 6190);
Relative to the charter of the town of Greenfield (House, No. 6193);
Relative to the charter of the town of Acushnet (House, No. 6194);
Exempting the Plymouth/Carver Regional School District from its teachers' salary deferral for fiscal year 1993 (House, No. 6197);
Exempting the position of town accountant of the town of Randolph from the civil service law (House, No. 6215);
Exempting the position of police chief of the town of Randolph from the civil service law (House, No. 6216);
Relative to the charter of the town of Provincetown (House, No. 6222);
Providing for recall elections in the town of Millbury (House, No. 6234);
Providing for referendum petitions in the town of Millbury (House, No. 6235);
Establishing a sick bank for a certain employee of the Department of Mental Health (House, No. 6270);
To establish a funding schedule for the city of Salem retirement system (House, No. 6271);
Establishing a sick leave bank for an employee of the Department of Mental Health (House, No. 6272);
Designating a certain bridge in the town of Templeton as the Second Lt. William D. Ordway/Vietnam Veterans Memorial Bridge (House, No. 6274, changed);
Establishing a selectman-administrator form of government for the town of Stoneham (House, No. 6292);
Exempting certain positions in the Brookline building department from civil service (House, No. 6293);
Exempting certain school department positions from civil service in the town of Brookline (House, No. 6294); and
Establishing a certain funding schedule for the city of Fitchburg retirement system (House, No. 6295);
Severally were read a second time; and they were ordered to a third reading.

The House Bill increasing the compensation to the town of Ludlow for the siting of the Hampden County Jail (House, No. 2785, changed and amended) was read a third time.
The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.
Pending the question on passing the bill to be engrossed,
Mr. Petrolati of Ludlow moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding the provisions of any general or special law to the contrary, the secretary of the executive office of public safety is hereby authorized to expend the sum of two hundred and forty thousand dollars for payment to the town of Ludlow as compensation for the taking by eminent domain of an additional parcel of land containing two and eight hundred fifty-five thousandths acres in said town for the Hampden county jail and house of correction pursuant to section three of chapter seven hundred and fourteen of the acts of nineteen hundred and eighty-nine.

Said sum shall be in addition to the funds authorized by said section three of said chapter seven hundred and fourteen for said purpose."

The amendment was adopted; and the bill (House, No. 2785, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill expediting resolution of legal proceedings involving children in need of care and protection (House, No. 6004) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Forman of Plymouth moved that it be amended by substitution of a Bill relative to proceedings involving children in need of care and protection (House, No. 6304), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. The same member moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6304) then was sent to the Senate for concurrence.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Walsh of Peabody, the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order.

The House Bill relative to orders of condition for recreational activities at Nauset Beach within the towns of Orleans and Chatham (House, No. 6284) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Lawless of Orleans moved that it be amended in section 1 by striking out, in line 23, the word "or" and inserting in place thereof..."
the word “and”; and by inserting after the word “issued”, in line 23, the words “, if any,”.

The amendments were adopted; and the bill (House, No. 6284, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The motion of Mr. Businger of Brookline, that the committee on Ways and Means be discharged from further consideration of the House Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) was considered.

Pending the question on the motion to discharge the committee, further consideration thereof was postponed, on motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill prohibiting bullfighting (Senate, No. 962) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Businger of Brookline, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on concurring with the Senate in its amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill relative to patient rights (Senate, No. 105) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill relative to the apportionment of wards and precincts (Senate, No. 1704, changed); and

The House Bill authorizing the mayor of the city of Springfield to sell and convey a certain parcel of land known as the “Tapley School Playground”, currently under the control of the city of Springfield Park Department, for the purpose of development (House, No. 6241);

Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to carjacking (House, No. 6296) was read a second time; and after debate it was ordered to a third reading.
Order.

On motion of Mr. Dempsey of Haverhill, —

Ordered. That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Mr. Clancy of Lynn then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at seventeen minutes after two o'clock P.M. (Mr. Voke of Chelsea being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.

Met according to adjournment, at eleven o'clock A.M., with Mr. Serra of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

All-Powerful God, aware of Your presence in our midst, we pause to seek Your direction and guidance as we begin today’s legislative session. We ask for the wisdom to evaluate current issues accurately, to make sound political judgments, and to enact fair and just legislation. Guide our efforts to help people to cope with the challenges of these changing times. By our commitment to excellence in government and to sound ethical principles, inspire us to work together to create new opportunities for improving the quality of life for all.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Serra), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Guests of the House.

During consideration of the Orders of the Day, the Chair (Mrs. Menard of Somerset) declared a recess subject to the call of the Chair, there being no objection. Mrs. Menard then turned the gavel over to Mr. Ranieri of Bellingham, who introduced Miss Stacey Blaine, also of Bellingham, and presented her with Citations of the House of Representatives and congratulated her on her many accomplishments. She was recently chosen Miss Massachusetts—1993, and will participate in the Miss USA Pageant in Kansas next February. Miss Blaine, who was the guest of Mr. Ranieri, then addressed the House briefly.

During consideration of the Orders of the Day, the Chair (Mrs. Menard) declared a recess subject to the call of the Chair, there being no objection. She then turned the gavel over to Mr. Turkington of Falmouth. He then introduced members of the Martha's Vineyard Regional High School football team and presented them with Citations of the House and congratulated them on winning their second Division 5B State Championship. The coach and the members of the team were the guests of Mr. Turkington.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:
Resolutions (filed by Ms. Gibson of Belmont) congratulating Joan Kerzner for her many accomplishments;
Resolutions (filed by Mr. Gonsalves of Dartmouth) in honor of the dedication of the Raymond Peck Drive leading to the town beach in Dartmouth;
Resolutions (filed by Mr. Moore of Uxbridge) congratulating Edward F. Grant, Principal of Sutton High School, on the occasion of his retirement;
Resolutions (filed by Mr. Moore of Uxbridge) congratulating the Sutton High School girls soccer team on winning the Division 2 State Championship; and
Resolutions (filed by Mr. Moore of Uxbridge) congratulating the Uxbridge High School football team on winning the Central Massachusetts Division 3 Super Bowl;
Mrs. Menard of Somerset, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Ms. Gibson, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.
The following order (filed this day by Mr. Voke of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.
Ordered, That, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Wednesday, December 31, within which to make reports on all matters referred to them.
Mr. Voke, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of the same member, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Special Report.
A report of the Bureau of Special Investigations (submitted under authority of Section 30T(6) of Chapter 7 of the General Laws) for the month of November, 1992, was sent to the Senate for its information.

Petitions.
Mr. Angelo of Saugus presented a petition (accompanied by bill, House, No. 6297) of Steven Angelo, Walter J. Boverini and Thomas F. Birmingham (by vote of the town) for legislation to authorize the town of Saugus to convey three parcels of open-space land located in said town; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.
Petitions severally were presented and referred as follows:

By Mr. Coon of Andover, petition (subject to Joint Rule 12) of Gary M. Coon for legislation to authorize the Department of Education to establish a sick leave bank for Lawrence Witty, an employee of said department.

By Mr. Giglio of Medford, petition (subject to Joint Rule 12) of Anthony P. Giglio and other members of the General Court for legislation to facilitate and finance the development of a new criminal detention facility in Middlesex County.

By Mr. Scibelli of Springfield, petition (subject to Joint Rule 12) of Robert T. Markel (mayor) and Anthony M. Scibelli (with the approval of the mayor and city council) for legislation to authorize the city of Springfield to enact an ordinance to provide for the forfeiture of property as a means of controlling prostitution in said city.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A Bill relative to certain powers of the Department of Public Utilities (Senate, No. 1671, amended by striking out the word “ninety-four”, as inserted by the Senate committee on Bills in the Third Reading, and inserting in place thereof the word “ninety-six”) (on Senate, No. 356), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

By Mrs. Menard of Somerset, for the committees on Rules of the two branches, acting concurrently, that the Resolve creating a special commission to study and investigate the benefits of amending commitment standards for persons with mental illness (House, No. 5866) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on House, No. 5041, a Bill providing for the licensing and registering of substance abuse counselors (House, No. 6308). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to amateur boxing in the Commonwealth (Senate, No. 1735) ought to pass with an amendment in section 1 by inserting after the word “national”, in line 6, the words “amateur boxing”.

By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to approve a lease of certain property in the city of Boston to the
Massachusetts Bay Transportation Authority (House, No. 1403) ought to pass with certain amendments.

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Planning and Operations to convey certain easements to the town of Swampscott in land under the jurisdiction of the Higher Education Coordinating Council, located in Lynn, Massachusetts (Senate, No. 1720) ought to pass.

By the same member, for the same committee, that the Bill authorizing the Department of Environmental Management to lease certain land and improvements to the New Bedford Harbor development commission (Senate, No. 1737) ought to pass.

By the same member, for the same committee, that the Bill providing that the Commonwealth of Massachusetts may enter into a compact with any of the states to provide for the control, development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders (House, No. 201) ought to pass.

By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to convey to the Massachusetts Bay Transportation Authority certain land in the city of Somerville for the construction of a bridge for eastern route rail over the Mystic River (House, No. 1407) ought to pass.

By the same member, for the same committee, that the Bill to transfer control of the treatment center from the Department of Mental Health to the Department of Correction to further protect the public safety and to improve the quality of treatment (printed in House, No. 5903, changed) ought to pass.

By the same member, for the same committee, that the Bill relative to the Schooner Ernestina Commission (House, No. 6291) ought to pass.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Miss O'Brien of Easthampton, for the committee on Counties, on a petition, a Bill authorizing the county of Dukes County to borrow in anticipation of a certain state grant (printed as Senate, No. 1763, changed in section 1 by inserting after the word "loans", in line 3, the words "not to exceed five hundred and fifty thousand dollars").

By the same member, for the same committee, on a petition, a Bill relative to the licensing of dogs (House, No. 6186).

By Mr. Moore of Uxbridge, for the committee on Election Laws, on a petition, a Bill providing for the recall of elected officials in the city of Taunton (House, No. 6275) [Local Approval Received].
By Mr. Walsh of Agawam, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Bourne to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Grey Gables Market, Inc. (House, No. 6238) [Local Approval Received].

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill increasing the number of commissioners of the Springfield board of water commissioners (House, No. 5457) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the conservation commission of the town of Palmer to sell forest and agricultural products (House, No. 6242) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill to establish a department of finance in the town of Brookline (House, No. 6256) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Foxborough to convey a certain parcel of conservation land (House, No. 6276, changed in section 1 by inserting after the word “selectmen,” in line 2, the words “subject to the approval of the secretary of environmental affairs.”) [Local Approval Received].

By Mr. Cahir of Bourne, for the same committee, on a petition, a Bill authorizing the town of Mashpee to convey a certain parcel of conservation land (House, No. 6240) [Local Approval Received].

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill relative to the conveyance of a certain parcel of land in the town of Barnstable (House, No. 5937). By Mr. Scaccia of Boston, for the committee on Taxation, on House, No. 5410, a Bill modifying the appeal process for water and sewer charges (House, No. 6312) [Local Approval Received].

By Mr. Finneran of Boston, for the committee on Ways and Means, to whom was referred the Bill to protect the health of children (House, No. 179) reports, in part, a Bill relating to the off duty privacy of employees (House, No. 3857, changed by striking out, in lines 14, 15 and also in line 16, the following: “M.G.L. Chapter 22, Section 9A; Chapter 26, Section 2; Chapter 31, Section 64; or Chapter 41, Section 101A” and inserting in place thereof the following: “chapter twenty-two C or section one hundred and one A of chapter forty-one of the General Laws”).

By the same member, for the same committee, on a petition, a Bill correcting language in the Urban Initiative Fund Section (House, No. 6020). Severally read; and placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Rushing of Boston, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 6239) of Thomas S. Cahir (by vote of the town) for legislation
to establish the office of clerk-treasurer in the town of Bourne
[Representative Cahir of Bourne dissenting]. Placed in the Orders
of the Day for the next sitting, the question being on acceptance.

Engrossed Bills.

Engrossed bills
Making certain corrective changes in certain general and special
laws (see House bill printed in House, No. 5904, amended); and
Establishing a sick leave bank for Mary Rae Sirois, an employee
of the Department of Social Services (see House, No. 6231);
(Which severally originated in the House);
In respect to each of which the Senate had concurred in adoption
of the emergency preamble, were passed to be enacted; and they were
signed by the acting Speaker and sent to the Senate.

Engrossed bills
Designating a certain baseball field in the city of Somerville as
the Frank Oliveto, Jr. Baseball Field (see Senate, No. 1438);
Increasing the membership on the Methuen commission on
disability in the city known as the town of Methuen (see Senate,
No. 1622);
Authorizing the town of Lincoln to pay certain unpaid bills (see
Senate, No. 1683);
(Which severally originated in the Senate);
Relative to the position of city treasurer in the city of Everett (see
House, No. 6165); and
Exempting the position of chief of police in the city of Newton
from the provisions of the civil service law (see House, No. 6244);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly
prepared for final passage, were passed to be enacted; and they were
signed by the acting Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The Speaker being in the Chair, — the engrossed Bill authorizing
the town of Chilmark to convey an interest in certain conservation
land (see House, No. 5764, changed and amended) (which originated
in the House) (which had been returned by His Excellency the
Governor with recommendation of amendment), having been
certified by the Clerk to be rightly and truly prepared for final
passage, was put upon its final passage.

On the question on passing the bill to be re-enacted, the sense of
the House was taken by yeas and nays (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); and on the roll call (Mrs. Menard of Somerset
being in the Chair) 136 members voted in the affirmative and 0 in
the negative.

[See Yea and Nay No. 335 in Supplement.]

Therefore the bill was passed to be re-enacted, in its amended
form; and it was signed by the acting Speaker and sent to the Senate.
Motions to Suspend Rule 24(2).

Before proceeding to consideration of the matters in the Order of the Day, — Mr. Tarr of Gloucester moved that Rule 24(2) be suspended so that he might offer, from the floor, an Order (filed by him and Messrs. Lionett of Worcester and Hawke of Gardner) relative to requesting the presiding officer and the members of the General Court meeting this day in the Joint Session to consider the term limits proposal for an Initiative Amendment to the Constitution.

Pending the question on suspension of Rule 24(2), further consideration thereof was postponed, on motion of Mr. Tarr, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the motion was considered further. After debate the motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

Before proceeding to consideration of the matters in the Order of the Day, — Mr. Hawke of Gardner moved that Rule 24(2) be suspended so that he might offer, from the floor, an Order (filed by him and Messrs. Lionett of Worcester and Tarr of Gloucester) relative to changes in the special rules concerning the vote required to postpone matters in the Joint Session meetings considering amendments to the Constitution.

Pending the question on suspension of Rule 24(2), further consideration thereof was postponed, on motion of Mr. Hawke, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the motion was considered further. After debate the motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

Before proceeding to consideration of the matters in the Order of the Day, — Mr. Teague of Yarmouth moved that Rule 24(2) be suspended in order that he might offer, from the floor, Resolutions
Orders of the Day.

The engrossed Bill authorizing Hampden County to refund certain notes (see House, No. 6067, changed) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 6201), was considered.

The amendment recommended by His Excellency the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. For the purpose of refunding the three million two hundred thousand dollars principal amount of emergency loan notes maturing on October twenty-second, nineteen hundred and ninety-three, which notes were issued on October twenty-third nineteen hundred and ninety-two to pay to that extent certain District Court of Eastern Hampden Court Construction Loan, Act of 1987 notes issued under chapter four hundred and twenty-six of the acts of nineteen hundred and eighty-seven, on October twenty-fifth, nineteen hundred and ninety-one, the treasurer of Hampden county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, three million two hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words District Court of Eastern Hampden Court House Construction Refunding Loan, Act of 1992. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than sixteen years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions and advertised in such manner as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

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

Sent to the Senate for concurrence.
Senate bills

Authorizing temporary licenses for wine auctions (Senate, No. 1626, amended) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to apportionment of wards and precincts (Senate, No. 1704, changed);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Further regulating the rights of certain fire fighters and police officers who were laid off (House, No. 2181);

Relative to actions for breach of certain subcontracts (House, No. 2734);

Relative to reduction in rank for employees of the police force in the city of Quincy (House, No. 6062, changed);

Exempting certain positions in the town of West Springfield from the provisions of the civil service law (House, No. 6190) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the charter of the town of Greenfield (House, No. 6193);

Exempting the position of town accountant in the town of Randolph from the provisions of the civil service law (House, No. 6215) (its title having been changed by the committee on Bills in the Third Reading);

Exempting the position of police chief in the town of Randolph from the provisions of the civil service law (House, No. 6216) (its title having been changed by the committee on Bills in the Third Reading);

Relative to contracts for the purchase of energy management services (House, No. 6226);

Designating a certain bridge in the town of Templeton as the Second Lt. William D. Ordway/Vietnam Veterans Memorial Bridge (House, No. 6274, changed);

Exempting certain positions in the building department of the town of Brookline from the provisions of the civil service law (House, No. 6293) (its title having been changed by the committee on Bills in the Third Reading);

Exempting certain school department positions in the town of Brookline from the provisions of the civil service law (House, No. 6294) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a certain funding schedule for the retirement system of the city of Fitchburg (House, No. 6295) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to carjacking (House, No. 6296);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.
The House Bill authorizing the mayor of the city of Springfield to sell and convey a certain parcel of land known as the "Tapley school playground", currently under the control of the city of Springfield Park Department, for the purpose of development (House, No. 6241) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill authorizing the city of Springfield to convey a certain parcel of park land (House, No. 6309), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to patient rights (Senate, No. 105) was ordered to a third reading.

House bills
Further regulating alcoholic beverage licenses (House, No. 915);
Relative to a procedures clerk in the Holyoke District Court (House, No. 954);
Relative to conservation and right-of-way easements along the Mill River in the city of Northampton (House, No. 1796);
To facilitate the transfer of lobster licenses (House, No. 5089);
To develop a public water supply in the town of Nantucket (House, No. 5630);
Establishing public counsel fees for residents of inpatient mental health facilities (printed in House, No. 6021);
Relative to the issuance of a real estate brokers license to Roger Cove (House, No. 6170);
Authorizing the city of Gloucester to pay a certain unpaid bill (House, No. 6182);
Enabling the board of selectmen of the town of Randolph to appoint a former selectman to the position of executive secretary to the board of selectmen upon approval of town meeting (House, No. 6214);
Relative to the Belchertown housing authority (House, No. 6218);
Relative to the regulation of carriage horses (House, No. 6259);
Relative to the Tri-county Regional Vocational Technical School District (House, No. 6269); and
Providing for the Executive Office of Health and Human Services Facility Consolidations (House, No. 6302); and
The House Resolve in favor of the heirs of Anna L. Bunker (House, No. 1061);
Severally were read a second time; and they were ordered to a third reading.

The Senate Bill relative to the disposition of certain state owned property at the "Ponkapoag outdoor center", so-called, at the Blue Hills Reservation in the town of Canton (Senate, No. 1447) was read a second time.

The amendments previously recommended by the committee on Ways and Means, — that the bill be amended in section 1 by
inserting after line 26 the following sentence: “No lease or leases shall be executed by said commission, unless it contains a declaration by the lessee or the lessees therein, that it is a private, public, or nonprofit entity, organization, or institution expressly recognized as having programs for the advancement and protection of the environment and benefit of youths.”; and by inserting after section 2 the following section:

“SECTION 2A. In the event that the lease terms outlined in section one and two of this act are not met, as determined by the metropolitan district commission, by the leassor of the property, said property and any interests therein shall revert to the commonwealth upon such terms and conditions as the commissioner of the division of capital planning and operations, in consultation with said commission, may determine.”, — were adopted.

The bill (Senate, No. 1447, amended) then was ordered to a third reading.

The Senate Bill relative to the insolvency fund for workers’ compensation benefits (Senate, No. 1588) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended in section 3 by striking out, in line 4, the words “as of” and inserting in place thereof the word “after”, — was adopted.

The bill (Senate, No. 1588, amended) then was ordered to a third reading.

The House Bill increasing the time in which real property owned by the Central County Development Corporation may be exempt from taxation by the city or town in which it is located (House, No. 1813) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by striking out the title and inserting in place thereof the following title: “An Act increasing the time in which real property owned by the Central Berkshire County Development Corporation may be exempted from taxation by the city or town in which it is located.”, — was adopted.

The bill (House, No. 1813, amended) then was ordered to a third reading.

The House Bill relative to land in the town of Belchertown (House, No. 6217) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 6301), — was adopted.

The substituted bill then was ordered to a third reading.

The Senate Bill providing for the development of educational related research and biotechnology in the Commonwealth (Senate, No. 1645, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in
concurrence, Mr. O'Sullivan of Worcester moved that it be amended in section 1 by striking out, in line 13, both times it appears, the word "and" and inserting in place thereof, in each instance, the word "or", by striking out, in line 14, the second time it appears, the word "and" and inserting in place thereof the word "or", by striking out, in line 15, the word "and" and inserting in place thereof the word "or", and by inserting after the word "thereto", in line 16, the words ", and other related services"; and by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. The commissioner of the division of capital planning and operations is hereby authorized to enter into an agreement with Tufts University in order to enable any lessee and the mortgagee of such lessee to hold any such property and any improvements thereon, leased under the authorization granted by section one of this act, free of reverter rights of the commonwealth during the term or terms of said lease so long as such property and improvements thereon are held in compliance with the authorization granted by section one, but otherwise subject to reverter rights of the commonwealth pursuant to provisions of the deed of the commonwealth to Tufts University dated September 29, 1978, recorded in Worcester district registry of deeds in book 6578, Page 79."

The amendments were adopted; and the bill (Senate, No. 1645, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

At twenty-seven minutes before twelve o'clock noon, on motion of Mrs. Menard of Somerset (Mr. Serra of Boston being in the Chair), the House recessed until the hour of one o'clock P.M.; and at five minutes after one o'clock the House was called to order with Mrs. Menard in the Chair.

At five minutes past two o'clock P.M., pursuant to assignment, the two Houses met in

JOINT SESSION

and were called to order by the Honorable William M. Bulger, President of the Senate.

Mr. Lionett of Worcester asked unanimous consent that the Initiative Amendment to the Massachusetts Constitution limiting the terms of office of Governor, Lieutenant Governor, Secretary, Treasurer, Attorney General, Auditor, Councillor, State Senator, State Representative, United States Senator and Representative in Congress (see House, No. 4000) be discharged from its place at the end of the Calendar and considered forthwith; but objection was made thereto.

Mr. Lionett of Worcester then arose to a point of order which, being stated, was that the provisions of House Rule 45 requiring unanimous consent, is in violation of Article 48 of the Constitution.
The President stated that the gentleman from Worcester had not stated a point of order. The President further stated that it was not within the province of the Chair to rule on Constitutional questions.

The motion, previously moved by Mr. Constantino of Clinton, that the Joint Session reconsider the vote by which, at the preceding session, it had ordered to a third reading the proposal for a legislative amendment to the Constitution providing for separation of church and state (see Senate, No. 48), — was considered.

The Proposal was as follows:

Proposal for a Legislative Amendment to the Constitution providing for separation of church and state.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article XLVI of the Articles of Amendment to the Constitution of the Commonwealth, as amended by Article CIII of the said Articles of Amendment, is hereby further amended by striking out sections 2 and 3 and inserting in place thereof the following section:

Section 2. The General Court shall make no law respecting an establishment of religion.

Mr. Constantino of Clinton moved that the motion to reconsider ordering the proposal to a third reading be placed at the end of the Calendar, and further moved that the vote on this question be taken by a call of the yeas and nays. A sufficient number of members joining with him, a call of the yeas and nays was ordered.

The question on placing the motion to reconsider at the end of the Calendar was determined by a call of the yeas and nays, at twelve minutes past two o'clock P.M., as follows, to wit (yeas 59 — nays 128):

YEAS (59).

Senators.

Amorello, Matthew J.
Buell, Robert C.
Chase, Arthur E.
Hicks, Lucile P.
Kirby, Edward P.
Lane, Christopher M.
Lees, Brian P.
Locke, David H.
Pines, Lois G.
Rauschenbach, Henri S.
Shannon, Charles E.
Swift, Jane M.
Wall, Erving H., Jr. — 13

Representatives.

Binienda, John J.
Brewer, Stephen M.
Cleven, Carol C.
Cohen, David B.
### Senators

Antonioni, Robert A.  
Barrett, Michael J.  
Berry, Frederick E.  
Bertonazzi, Louis P.  
Birmingham, Thomas F.  
Boverini, Walter J.  
Bulger, William M.  
Burke, Edward L.  
Creedon, Michael C.  
Dunn, Martin J.  
Durand, Robert A.  
Harold, Paul D.  
Havern, Robert A.  
Hedlund, Robert L.  
Jajuga, James P.  
Keating, William R.  
LoPresti, Michael, Jr.  
MacLean, William Q., Jr.  
McGovern, Patricia  
Melconian, Linda J.  
Norton, Thomas C.  
Owens, Bill  
Rosenberg, Stanley C.  
Sullivan, Nancy Achin  
Tisci, Richard R.  
Wetmore, Robert D.  
White, W. Paul — 27.

### Representatives

Angelo, Steven  
Blanchette, Kevin P.  
Bosley, Daniel E.  
Brenton, Marianne  
Brett, James T.  
Buell, Carmen D.  
Bump, Suzanne M.  
Businger, John A.  
Cabral, Antonio F. D.  
Cahir, Thomas S.  
Cangiamila, Brion M.  
Caron, Paul E.  
Casey, Paul C.  
Cass, William F.  
Catjakis, Athan  
Ciampa, Vincent P.  
Clancy, Edward J., Jr.  
Clark, Forrester A., Jr.  
Collaro, Andrew  
Connolly, Edward G.  
Correia, Robert  
Cox, John F.  
Cruz, John F.  
Decas, Charles N.  
DeFilipps, Walter A.  
DeLeo, Robert A.  
Dempsey, Brian S.  
DiMasi, Salvatore F.
The yeas and nays having been completed at twenty-eight minutes past two o'clock P.M., the motion to place the matter at the end of the Calendar was negatived.

The question on reconsideration of ordering the proposal to a third reading was further considered.

Mr. Cohen of Newton moved that when the vote on the motion to reconsider be taken, it be taken by a call of the yeas and nays; and, a sufficient number of members joining with him, it was so ordered.
After debate, Mr. Lionett of Worcester arose to a point of order which, being stated, was that the time for debate had expired.

The President stated that, in fact, the time for debate had expired and the Joint Session proceeded to a call of the yeas and nays on the motion to reconsider ordering the proposal to a third reading.

The motion to reconsider ordering the proposal to a third reading was then determined by a call of the yeas and nays, at twenty-eight minutes before three o'clock P.M., as follows, to wit (yeas 77 — nays 108):

**Yeas (77).**

**Senators.**

Buell, Robert C.  
Chase, Arthur E.  
Durand, Robert A.  
Hicks, Lucile P.  
Lees, Brian P.  
Owens, Bill  
Pines, Lois G.  
Rosenberg, Stanley C.  

**Representatives.**

Binienda, John J.  
Brewer, Stephen M.  
Buell, Carmen D.  
Businger, John A.  
Cabral, Antonio F. D.  
Cahir, Thomas S.  
Caron, Paul E.  
Cleven, Carol C.  
Cohen, David B.  
Constantino, William, Jr.  
Cruz, John F.  
Donovan, Carol A.  
Doran, Stephen W.  
Draisen, Marc D.  
Driscoll, John R.  
Evans, Nancy H.  
Fox, Gloria L.  
Gardner, Barbara  
Gibson, Mary Jane  
Glovis, William J., Jr.  
Gray, Barbara E.  
Hall, Geoffrey D.  
Harkins, Lida E.  
Hawke, Robert D.  
Healy, Jonathan L.  
Hildt, Barbara  
Honan, Kevin G.  
Hyland, Barbara C.  
Hynes, Frank M.  
Jehlen, Patricia D.  
Jordan, Raymond A., Jr.  
Kafka, Louis L.  
Kehoe, Marie-Louise  
Kerans, Sally P.  
Kimm, John C.  
Koczena, Robert M.  
Kollios, Paul  
Kraus, Robert  
Lambert, Edward M., Jr.  
Lawless, Robert C.  
Lionett, David J.  
Magnani, David P.  
Marzilli, J. James, Jr.  
McDonough, John E.  
Merced, Nelson  
O'Brien, Janet W.  
O'Sullivan, Kevin  
Owens-Hicks, Shirley  
Pacheco, Marc R.  
Petersen, Douglas W.  
Petrolati, Thomas M.  
Ranieri, Daniel J.  
Resor, Pamela P.  
Rogeness, Mary S.  
Roosevelt, Mark  
Rushing, Byron  
Schur, Susan D.  
Stoddart, Douglas W.  
Story, Ellen  
Tarr, Bruce E.  
Thompson, Alvin E.  
Tolman, Warren E.  
Tracy, Susan M.  
Travis, Philip  
Turkington, Eric  
Wagner, Joseph F.  
Walrath, Patricia A.  
Walsh, Thomas P. — 68.

**Point of order.**

**Ruling.**

Motion to reconsider negatived,— yea and nay No. 937.
Constitution,—
separation
of church
and state.

NAYS (108).
Senators.

Amorello, Matthew J.
Antonioni, Robert A.
Barrett, Michael J.
Berry, Frederick E.
Bertonazzi, Louis P.
Birmingham, Thomas F.
Boverini, Walter J.
Bulger, William M.
Burke, Edward L.
Creedon, Michael C.
Dunn, Martin J.
Harold, Paul D.
Havern, Robert A.
Hedlund, Robert L.
Jajuga, James P.
Keating, William R.
Kirby, Edward P.
Lane, Christopher M.
Locke, David H.
LoPresti, Michael, Jr.
MacLean, William Q., Jr.
McGovern, Patricia
Melconian, Linda J.
Norton, Thomas C.
Rauschenbach, Henri S.
Sullivan, Nancy Achin
Swift, Jane M.
Tisei, Richard R.
Wall, Erving H., Jr.
Wetmore, Robert D.
White, W. Paul — 31.

Motion to
reconsider
negativd,—
yea and nay
No. 337.

Representatives.

Angelo, Steven
Blanchette, Kevin P.
Brenton, Marianne
Brett, James T.
Bump, Suzanne M.
Cangiamila, Brion M.
Casey, Paul C.
Cass, William F.
Catjakis, Athan
Ciampa, Vincent P.
Clancy, Edward J., Jr.
Clark, Forrester A., Jr.
Collaro, Andrew
Connolly, Edward G.
Coon, Gary M.
Correia, Robert
Cox, John F.
Decas, Charles N.
DeFilippi, Walter A.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flaherty, Charles F.
Forman, Peter
Galvin, William C.
Gannon, Paul J.
Gately, David F.
Giglio, Anthony P.
Goguen, Emile J.
Haley, Paul R.
Hayward, Jeffery J.
Hermann, Joseph N.
Herrn, Albert
Hodgkins, Christopher J.
Hornblower, Augusta
Howarth, Robert L.
Karol, Stephen J.
Kelly, Shaun P.
Kennedy, Thomas P.
Knapi, Michael R.
Krekorian, Robert C.
Larkin, Peter J.
LeLacheur, Edward A.
Lewis, Jacqueline
Mandile, Anthony M.
Mann, Charles W.
Manning, M. Joseph
Mara, Francis G.
Mariano, Ronald
McIntyre, Joseph B.
McKenna, Mary Jane
Menard, Joan M.
Miceli, James R.
Moore, Richard T.
Morrissey, Michael W.
Murray, Mary Jeanette
Nagle, William P., Jr.
O'Brien, Shannon P.
Parente, Marie J.
Peters, David M.
Poirier, Kevin
Reinstein, William G.
Rohan, Robert J.
Ruane, J. Michael
The yeas and nays having been completed at fifteen minutes before three o'clock P.M., the motion to reconsider was **negatived**.

The proposal was then read a third time, the committees on Bills in the Third Reading of the two Houses, acting jointly, having reported it to be correctly drawn.

Pending the question on agreeing to the amendment, Mr. Cohen of Newton moved that the proposal be amended by inserting after the word "religion", in line 7, the words "; provided, however, that no grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any primary or secondary school or any institution of higher education which is not publicly owned and under the exclusive control, order, and supervision of public officers or public agents authorized by the commonwealth or federal authorities or both. Nothing herein contained shall be construed to prevent the commonwealth from making grants-in-aid to private higher educational institutions or to students or parents or guardians of students attending such institutions.".

After extended debate, Mr. Kirby moved that when a vote be taken on adoption of this amendment, it be taken by a call of the yeas and nays; and, a sufficient number of members joining with him in this request, it was so ordered.

The question on adoption of this amendment was then determined by a call of the yeas and nays, at twenty-five minutes before five o'clock P.M., as follows, to wit (yeas 95 — nays 91):
Amendment to Proposal adopted,—yea and nay No. 338.

Representatives.

Angelo, Steven
Binienda, John J.
Bosley, Daniel E.
Brenton, Marianne
Brewer, Stephen M.
Buell, Carmen D.
Businger, John A.
Cabral, Antonio F. D.
Cahir, Thomas S.
Caron, Paul
Clark, Forrester A., Jr.
Cleven, Carol C.
Cohen, David B.
Donovan, Carol A.
Doran, Stephen W.
Draisien, Marc D.
Evan, Nancy H.
Flaherty, Charles F.
Fox, Gloria L.
Gardner, Barbara
Gibson, Mary Jane
Glovis, William J., Jr.
Gray, Barbara E.
Hall, Geoffrey D.
Harkins, Lida E.
Hawke, Robert D.
Hayward, Jeffery J.
Healy, Jonathan L.
Hildt, Barbara
Honan, Kevin G.
Hyland, Barbara C.
Hynes, Frank M.
Jehlen, Patricia D.
Jordan, Raymond A., Jr.
Kafka, Louis L.
Karol, Stephen J.
Kehoe, Marie-Louise
Kerans, Sally P.
Klimm, John C.
Knapik, Michael R.
Koczena, Robert M.
Kolios, Paul
Kraus, Robert
Krekorian, Robert C.
Lambert, Edward M., Jr.
Landers, Patrick F., III
Larkin, Peter J.
Lawless, Robert C.
Lionetti, David J.
Magnani, David P.
Mariano, Ronald
Marzilli, J. James, Jr.
McDonough, John E.
Menard, Joan M.
Merced, Nelson
Nagle, William P., Jr.
O’Brien, Janet W.
O’Sullivan, Kevin
Owens-Hicks, Shirley
Pacheco, Marc R.
Palumbo, Thomas G.
Petersen, Douglas W.
Petrolati, Thomas M.
Ranieri, Daniel J.
Reinstein, William G.
Resor, Pamela P.
Rogeness, Mary S.
Roosevelt, Mark
Rushing, Byron
Schur, Susan D.
Stoddart, Douglas W.
Story, Ellen
Sullivan, Michael J.
Thompson, Alvin E.
Tolman, Warren E.
Tracy, Susan M.
Travis, Philip
Turkington, Eric
Valianti, Daniel J.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Michael P.
Walsh, Thomas P. — 83.

NAYS (91).

Senators.

Amorello, Matthew J.
Antonioni, Robert A.
Berry, Frederick E.
Bertonazzi, Louis P.
Birmingham, Thomas F.
Boverini, Walter J.
Bulger, William M.
Burke, Edward L.

Creedon, Michael C.
Dunn, Martin J.
Haroold, Paul D.
Hedlund, Robert L.
Jajuga, James P.
Kirby, Edward P.
Lane, Christopher M.
Locke, David H.
The yeas and nays having been completed at ten minutes before five o'clock P.M., the amendment was adopted.

Mr. White of Boston then moved that this vote be reconsidered. Mr. Boverini of Lynn moved that the Joint Session stand in recess until two o'clock P.M. on Monday, December 21; and this motion

Motion to recess,—

negatived.
was negatived, by a vote of 53 to 75. Mr. White of Boston further doubted this vote and requested a call of the yeas and nays on the motion to recess; and, a sufficient number of members joining with him in this request, a call of the yeas and nays was ordered.

The motion to recess until two o'clock P.M. on Monday, December 21 was then determined by a call of the yeas and nays, at seven minutes before five o'clock P.M., as follows, to wit (yeas 95 — nays 89):

**YEAS (95).**

**Senators.**

Antonioni, Robert A.

Barrett, Michael J.

Berry, Frederick E.

Bertonazzi, Louis P.

Birmingham, Thomas F.

Boverini, Walter J.

Bulger, William M.

Burke, Edward L.

Creedon, Michael C.

Dunn, Martin J.

Durand, Robert A.

Harold, Paul D.

Havern, Robert A.

Hedlund, Robert L.

Jajuga, James P.

Keating, William R.

Kirby, Edward P.

Lance, Christopher M.

Lees, Brian P.

LoPresti, Michael, Jr.

MacLean, William Q., Jr.

McGovern, Patricia

Melconian, Linda J.

Norton, Thomas C.

Owens, Bill

Rauschenbach, Henri S.

Shannon, Charles E.

Sullivan, Nancy Achin

Swift, Jane M.

Tisei, Richard R.

Wall, Eving H., Jr.

Wetmore, Robert D.

White, W. Paul — 33.

**Representatives.**

Bosley, Daniel E.

Bump, Suzanne M.

Cangiamila, Brion M.

Cass, William F.

Catjakis, Athan

Ciampa, Vincent P.

Clancy, Edward J., Jr.

Constantino, William, Jr.

Correia, Robert

Cox, John F.

Cruz, John F.

Decas, Charles N.

DeFilippi, Walter A.

DeLeo, Robert A.

Dempsey, Brian S.

DiMasi, Salvatore F.

Driscoll, John R.

Finneran, Thomas M.

Fitzgerald, Kevin W.

Galvin, William C.

Gannon, Paul J.

Giglio, Anthony P.

Goguen, Emile J.

Haley, Paul R.

Hermann, Joseph N.

Herren, Albert

Hornblower, Augusta

Howarth, Robert L.

Kennedy, Thomas P.

Knapik, Michael R.

Kraus, Robert

Larkin, Peter J.

LeLacheur, Edward A.

Lewis, Jacqueline

Magnani, David P.

Mandile, Anthony M.

Mann, Charles W.

Manning, M. Joseph

Mara, Francis G.

Mariano, Ronald

McIntyre, Joseph B.

McKenna, Mary Jane

Miceli, James R.

Moore, Richard T.

Morrissey, Michael T.

Murray, Mary Jeanette
Nagle, William P., Jr.  
O'Brien, Shannon P.  
Parente, Marie J.  
Peters, David M.  
Reinstein, William G.  
Rohan, Robert J.  
Ruane, J. Michael  
Scaccia, Angelo M.  
Scibelli, Anthony M.  
Serra, Emanuel G.  
Teague, Edward B., III  
Thompson, Alvin E.  
Tobin, A. Stephen  
Voke, Richard A.  
Walsh, Marian  
Walsh, Thomas P. — 62.

Nays (89).

Senators:

Amorello, Matthew J.  
Buell, Robert C.  
Chase, Arthur E.  
Hicks, Lucile P.  
Locke, David H.  
Pines, Lois G.  
Rosenberg, Stanley C. — 7.

Representatives:

Angelo, Steven  
Binienda, John J.  
Blanchette, Kevin P.  
Brenton, Marianne  
Brewer, Stephen M.  
Buell, Carmen D.  
Businger, John A.  
Cabral, Antonio F. D.  
Cahir, Thomas S.  
Caron, Paul E.  
Casey, Paul C.  
Clark, Forrester A., Jr.  
Cleven, Carol C.  
Cohen, David B.  
Connolly, Edward G.  
Coon, Gary M.  
Donovan, Carol A.  
Doran, Stephen W.  
Draisen, Marc D.  
Evans, Nancy H.  
Flaherty, Charles F.  
Forman, Peter  
Fox, Gloria L.  
Gardner, Barbara  
Gately, David F.  
Gibson, Mary Jane  
Gately, William J., Jr.  
Gray, Barbara E.  
Hall, Geoffrey D.  
Harkins, Lida E.  
Hawke, Robert D.  
Hayward, Jeffery J.  
Healy, Jonathan L.  
Hodgkins, Christopher J.  
Honan, Kevin G.  
Hyland, Barbara C.  
Hynes, Frank M.  
Jehlen, Patricia D.  
Jordan, Raymond A., Jr.  
Kafka, Louis L.  
Karol, Stephen J.  
Kehoe, Marie-Louise  
Kelly, Shaun P.  
Kerans, Sally P.  
Klimm, John C.  
Koczera, Robert M.  
Kolios, Paul  
Krekorian, Robert C.  
Lambert, Edward M., Jr.  
Landers, Patrick F., III  
Lawless, Robert C.  
Lionett, David J.  
Marzilli, J. James, Jr.  
McDonough, John E.  
Menard, Joan M.  
Merced, Nelson  
O'Brien, Janet W.  
O'Sullivan, Kevin  
Owens-Hicks, Shirley  
Pacheco, Marc R.  
Palumbo, Thomas G.  
Petersen, Douglas W.  
Petrolati, Thomas M.  
Poirier, Kevin  
Ranieri, Daniel J.  
Resor, Pamela P.  
Rogeness, Mary S.  
Roosevelt, Mark  
Rushing, Byron  
Schur, Susan D.  
Stoddart, Douglas W.  
Story, Ellen
The yeas and nays having been completed at seven minutes past five o'clock P.M., the motion to recess prevailed.

Accordingly, at eight minutes past five o'clock P.M., without taking further action on the matters duly and constitutionally assigned for consideration, the joint session was recessed until two o'clock P.M. on Monday, December 21, and the Senate returned to its Chamber under the escort of the Sergeant-at-Arms.

Order.

Mr. Serra of Boston being in the Chair, —

On motion of Mr. Flaherty of Cambridge, —

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at one o'clock P.M.

Mr. Flaherty then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at seventeen minutes after five o'clock P.M. (Mr. Serra being in the Chair), the House adjourned, to meet tomorrow at one o'clock P.M.
Thursday, December 17, 1992.

Met according to adjournment, at one o'clock P.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we place our trust in You and in Your personal interest in our well-being. We believe that You, the Lord of History, have created us in Your image and bestowed upon us an eternal destiny. During this unique season of the year, with a spirit of good will towards all in our hearts and minds, Your presence and reality is more obvious to us. The Jewish community will soon observe Chanukah, which recalls Your entrance into human history in order to protect and watch-over Your people in need. May we, like You, have a personal concern for others during these difficult times.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Statement of Representative Caron of Springfield.*

During consideration of the Orders of the Day, Mr. Caron of Springfield asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting due to my attendance at a meeting at the Executive Office of Public Safety. Any roll calls that I may miss today will be due entirely to the reason stated.

Mr. Caron then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

*Statement of Representative Moore of Uxbridge.*

During consideration of the Orders of the Day, Mr. Moore of Uxbridge asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to my attendance at a meeting in the Governor's Office to oppose the proposed Douglas landfill. Any roll calls that I missed during that time was due entirely to the reason stated.

Mr. Moore then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

*Statement of Representative Thompson of Cambridge.*

During consideration of the Orders of the Day, Mr. Thompson of Cambridge asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:
Mr. Speaker: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting due to a previously scheduled physical examination. Any roll calls that I may miss today will be due entirely to the reason stated.

Mr. Thompson then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Order.

An Order (filed this day by Mr. Finneran of Boston) relative to the appointment of a special committee of the House to make an investigation and study of lead paint laws (House, No. 6321) was referred, under Rule 85, to the committee on Rules.

Mr. Voke of Chelsea, for the committee on Rules, then reported that the order ought to be adopted. Referred, under Rule 33, to the committee on Ways and Means.

Mr. Finneran, for the committee on Ways and Means, reported that the order ought to be adopted. Under suspension of Rule 42, on motion of the same member, the order was considered forthwith; and it was adopted.

Petitions.

Mr. Teague of Yarmouth presented a petition (accompanied by bill, House, No. 6314) of Edward B. Teague III (by vote of the town) relative to proceeds of certain bonds in the town of Brewster; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Mr. Giglio of Medford presented a petition (subject to Joint Rule 12) of Anthony P. Giglio and other members of the General Court for legislation to facilitate and finance the development of a new criminal detention facility in Middlesex County; and the same was referred, under Rule 24, to the committee on Rules.

Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. Scibelli of Springfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

Mr. Scibelli of Springfield presented a petition (subject to Joint Rule 12) of Robert T. Markel (mayor) and Anthony M. Scibelli (with the approval of the mayor and city council) for legislation to authorize the city of Springfield to enact an ordinance to provide for the forfeiture of property as a means of controlling prostitution in said city; and the same was referred, under Rule 24, to the committee on Rules.

Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then
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reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. Scibelli, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Mr. Scaccia of Boston presented a petition (subject to Joint Rule 12) of Thomas M. Menino, Angelo M. Scaccia and others relative to persons convicted of violations of the fire prevention ordinances, the zoning code and the building and sanitary code; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill relative to record keeping by certain licensees (Senate, No. 1780) (on House, No. 5301), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Clarifying the powers of housing receivers (Senate, No. 705) (reported on a petition);

Relative to visitation rights of certain grandparents of unmarried minor children (Senate, No. 814, amended by adding at the end thereof the following three sections:

“SECTION 2. Paragraph A of section 23 of chapter 119 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following three sentences: — Whenever the child is placed in a foster home, the court shall ensure that grandparents, upon their request, have access to reasonable visitation rights with the child who is the subject of the petition and the department shall establish a schedule for such visitation unless it is determined by the court or department that such visitation is not in the child’s best interest. Grandparents shall have the right to appeal such decisions made by the department. The department may establish reasonable conditions for grandparent visitation, including, but not limited to, requiring that the grandparents not reveal the whereabouts of the child.

SECTION 3. Paragraph C of said section 23 of said chapter 119 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following three sentences: — Whenever the child is placed in a foster home, the court shall ensure that grandparents, upon their request, have access to reasonable visitation rights with the child who is the subject of the petition and the department shall establish a schedule for such visitation unless it is determined by the court or department that such visitation is not in the child’s best interest. Grandparents shall have the right to appeal such decisions made by the department. The department may establish reasonable conditions for grandparent visitation, including, but not limited to, requiring that the grandparents not reveal the whereabouts of the child.
SECTION 4. Section 26 of said chapter 119 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following three sentences: — Whenever the child is placed in a foster home, the court shall ensure that grandparents, upon their request, have access to reasonable visitation rights with the child who is the subject of the petition and the department shall establish a schedule for such visitation unless it is determined by the court or department that such visitation is not in the child’s best interest. Grandparents shall have the right to appeal such decisions made by the department. The department may establish reasonable conditions for grandparent visitation, including, but not limited to, requiring that the grandparents not reveal the whereabouts of the child.”) (reported on a petition);

Relative to protecting the confidentiality of victims of rape (Senate, No. 851) (reported on a petition);

Further regulating the adjudication of juveniles charged with murder (Senate, No. 1486);

Relative to compensation of elected officials in the town of Bellingham (Senate, No. 1727) (reported on a petition) [Local Approval Received];

Providing for election of a mayor in the city known as the town of Methuen and establishment of limitation of terms of town councillors (Senate, No. 1739) (reported on a petition) [Local Approval Received];

A Bill relative to quarterly taxes in cities and towns (Senate, No. 1754, changed by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to enable cities and towns to send out third quarter tax bills on a timely basis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (reported on a petition); and

Authorizing the conservation commission of the town of Norwood to grant a certain utility easement (Senate, No. 1774, changed by inserting after the word “Norwood”, in line 1, the words “, subject to the approval of the secretary of environmental affairs,”) (reported on a petition);

Severally passed to be engrossed by the Senate, were read; and they were placed in the Orders of the Day for the next sitting for a second reading.

A report of the committee on Taxation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1770) of Martin J. Dunn, Robert J. Rohan and Walter A. DeFilipi for legislation relative to the taxation of certain tangible property of domestic corporations predominantly used to generate, distribute or transmit electric power, and recommending that the same be referred to the Senate committee on Ways and Means, — accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.
Reports of Committees.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill further regulating the deferred compensation program for public employees in the Commonwealth, and further regulating the procurement of goods and services by the Commonwealth's constitutional officers (House, No. 4168) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 6319).

By the same member, for the same committee, that the Resolve reviving and continuing the special commission established to make an investigation and study relative to veterans' affairs in the Commonwealth (House, No. 6213) ought to pass with an amendment adding at the end thereof the following paragraph: "Said commission shall report to the General Court the results of its investigation and study and its recommendations, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the Clerk of the House of Representatives on or before the first Wednesday in September, nineteen hundred and ninety-three."

By the same member, for the same committee, that the Bill relative to restoring solvency to the Unemployment Compensation Fund (House, No. 6258) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 6320). [Representative Constantino of Clinton dissenting].

By the same member, for the same committee, that the Bill establishing an alternative optional retirement program for faculty members of public institutions of higher education (House, No. 6263) ought to pass with an amendment substituting therefor a Bill establishing an alternative optional retirement program for faculty members, chancellors and presidents of public institutions of higher education (House, No. 6316).

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to certain powers of the Department of Public Utilities (Senate, No. 1671, amended) ought to pass.

By the same member, for the same committee, that the Bill to provide for distinctive license plates for members of the Ancient and Honorable Artillery Company (Senate, No. 1741) ought to pass.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, on Senate, Nos. 121, 174 and 177 and House, Nos. 516, 702, 1081, 2631, 2790, 2965, 2966, 3340, 3516 and 5338, a Bill providing for drug free park and playground zones (House, No. 1081).

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill authorizing the town of Saugus to convey certain open-space land (House, No. 6297, changed by inserting after the word "authorized", in line 1, the words "subject to the approval of the secretary of environmental affairs") [Local Approval Received].
By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill providing tenure of office for Timothy P. Ryan as chief of the police department in the town of Millville (House, No. 6245) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill exempting the position of chief of police in Watertown from civil service rules and regulations (House, No. 6278) [Local Approval Received].

By the same member, for the same committee, on House, No. 6163, a Bill to establish a funding schedule for the city of Attleboro contributory retirement system (House, No. 6317) [Local Approval Received].

By the same member, for the same committee, on House, No. 6313, a Bill establishing a funding schedule for the city of Pittsfield retirement system (House, No. 6318) [Local Approval Received].

By Mr. Scaccia of Boston, for the committee on Taxation, on a petition, a Bill relative to the taxing of certain mobile homes (House, No. 1035).

Severally read; and placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Engrossed bills

Authorizing temporary licenses for wine auctions (see Senate, No. 1626, amended);
Relative to apportionment of wards and precincts (see Senate, No. 1704, changed);
(Which severally originated in the Senate);
Relating to dissolution of the Plymouth-Carver Regional School District (see House, No. 530, amended);
Relative to notice on foreclosure sales (see House, No. 2494);
Further regulating notice requirements relative to mortgage foreclosures (see House, No. 3319);
Relative to the maintenance of personnel records (see House, No. 5494, amended); and
Exempting the transfer of a certain parcel of land in the town of Oxford from certain bidding laws (see House, No. 5871);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the Commissioner of the Division of Capital Planning and Operations to acquire a certain parcel of land in the town of East Brookfield (see House, No. 5426, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.
On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call 135 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 340 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

The engrossed Bill authorizing the Commissioner of the Division of Capital Planning and Operations to acquire certain parcels of land in the town of Andover and the city of Lawrence (see House, No. 5471) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call 134 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 341 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill relating to the amortization of bond anticipation notes in the town of Granby (Senate, No. 1706, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

The Senate Bill relative to the disposition of certain state owned property at the “Ponkapoag outdoor center”, so-called, at the Blue Hills Reservation in the town of Canton (Senate, No. 1447, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

House bills

Relative to the approval of certain bank holding company transactions by the Board of Bank Incorporation (House, No. 26); Relative to competition in the furnishing of materials for use in certain public contracts (House, No. 654) (its title having been changed by the committee on Bills in the Third Reading); Establishing a sick leave bank for an employee of the District Court Department of the Trial Court (House, No. 954) (its title having been changed by the committee on Bills in the Third Reading);
Increasing the time in which real property owned by the Central County Development Corporation may be exempt from taxation by the city or town in which it is located (House, No. 1813, amended);

Relative to the Lincoln housing commission (House, No. 5940);

Establishing public counsel fees for residents of inpatient mental health facilities (printed in House, No. 6021);

Relative to the issuance of a real estate brokers license to Roger Cove (House, No. 6170);

Authorizing the Division of Capital Planning and Operations to grant easements over certain public access boating facility in the town of Shrewsbury (House, No. 6071);

Relative to the regulation of carriage horses (House, No. 6259);

Relative to the Tri-county Regional Vocational Technical School District (House, No. 6269); and

Establishing a sick leave bank for an employee of the Department of Mental Health (House, No. 6272);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill enabling the board of selectmen of the town of Randolph to appoint a former selectman to the position of executive secretary to the board of selectmen upon approval of town meeting (House, No. 6214) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill authorizing the appointment of a member of the board of selectmen of the town of Randolph to the position of executive secretary of said board (House, No. 6315), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill correcting language in the Urban Initiative Fund Section (House, No. 6020) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Jordan of Springfield, the bill was read a third time forthwith; and it was passed to be engrossed. Mr. Rushing of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6020) then was sent to the Senate for concurrence.

Senate bills

Providing that certain teachers shall be credited with service to non-public schools (Senate, No. 1582); and

Authorizing the Division of Capital Planning and Operations to convey certain easements to the town of Swampscott in land under the jurisdiction of the Higher Education Coordinating Council, located in Lynn, Massachusetts (Senate, No. 1720); and
House bills

Authorizing the county of Dukes County to borrow in anticipation of a certain state grant (printed as Senate, No. 1763, changed);

Providing that the Commonwealth of Massachusetts may enter into a compact with any of the states to provide for the control, development, and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders (House, No. 201);

Authorizing the Division of Capital Planning and Operations to convey to the Massachusetts Bay Transportation Authority certain land in the city of Somerville for the construction of a bridge for eastern route rail over the Mystic River (House, No. 1407);

Increasing the number of commissioners of the Springfield board of water commissioners (House, No. 5457);

Relative to the conveyance of a certain parcel of land in the town of Barnstable (House, No. 5937);

Establishing the United States Naval shipbuilding museum corporation (House, No. 6032);

Relative to the licensing of dogs (House, No. 6186);

Authorizing the town of Bourne to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Grey Gables Market, Inc. (House, No. 6238);

Authorizing the town of Mashpee to convey a certain parcel of conservation land (House, No. 6240);

Authorizing the conservation commission of the town of Palmer to sell forest and agricultural products (House, No. 6242);

Providing for the recall of elected officials in the city of Taunton (House, No. 6275);

Authorizing the town of Foxborough to convey a certain parcel of conservation land (House, No. 6276, changed);

Authorizing the town of Hudson to convey a certain parcel of park land (House, No. 6277); and

Relative to the Schooner Ernestina Commission (House, No. 6291);

Severally were read a second time; and they were ordered to a third reading.

The House Bill authorizing the Division of Capital Planning and Operation to approve a lease of certain property in the city of Boston to the Massachusetts Bay Transportation Authority (House, No. 1403) was read a second time.

The amendments previously recommended by the committee on Ways and Means, — that the bill be amended in section 1 by striking out, in line 8, the figure "20" and inserting in place thereof the figure "5", by striking out, in line 9, the words "Department of Public Works" and inserting in place thereof the words "Highways Department", and by striking out, in line 11, the words "Department of Public Works" and inserting in place thereof the words "Highways Department" — Second reading bill amended.
Department”; and in section 2 by striking out, in line 2, the words “Department of Public Works” and inserting in place thereof the words “Massachusetts Highways Department”, — were adopted.

The bill (House, No. 1403, amended) then was ordered to a third reading.

Second reading bill amended.

The House Bill amending the law relating to school buses and the operation thereof (House, No. 1742) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended in section 1 by inserting after the word “operator”, in line 17, the words “or a motor vehicle used in transportation by an operator who is uncompensated for his or her service and is either a parent of one of the passengers or is a person chosen by the parents of all the passengers; or a motor vehicle used for transportation in activities related to a school, a group day care center, a school age child care program or a special needs program, provided the operator is a person whose primary relationship to the passengers is that of teacher, coach, director, or caregiver, and not as an operator”, — was adopted.

The bill (House, No. 1742, amended) then was ordered to a third reading.

Id.

The House Bill authorizing and directing the division of capital planning and operations to convey a certain parcel of land in the city of Springfield to Western New England College (House, No. 1788) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a Bill authorizing the Commissioner of the Division of Capital Planning and Operations to convey a certain parcel of land in the city of Springfield to Western New England College (House, No. 6299), — was adopted.

The substituted bill then was ordered to a third reading.

Id.

The House Bill relative to the Massachusetts Municipal Wholesale Electric Company (House, No. 5438) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by striking out section 3, — was adopted.

The bill (House, No. 5438, amended) then was ordered to a third reading.

Id.

The House Bill changing the harbor lines in Fort Point Channel and authorizing certain structures and fill necessary in connection with the Central Artery/tunnel project to extend beyond established harbor lines in the Fort Point Channel (House, No. 6171) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended in section 3 by inserting before the figure “(2)”, in line 15, the words “provided that
no licenses issued for said cooling water intake structure shall be paid by the Massachusetts Highways Department,” — was adopted.

The bill (House, No. 6171, amended) then was ordered to a third reading.

The House Bill relative to certain reports of the Commissioner of Banks (House, No. 23), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Brett of Boston moved that it be amended by striking out section 1.

The amendment was adopted; and the bill (House, No. 23, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill further regulating title insurance to title insurers (Senate, No. 1748), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Mara of Brockton moved that it be amended in section 2 by inserting after the following: “fourteen G.,” in line 16, the following sentence: “Premium shall not include the amount of any charges for title-related services, including but not limited to, fees for abstracts, title searches, or examinations.”; and by inserting after the word “law.”, in line 196, the following sentence: “A title insurer shall not engage in the practice of law.”. The amendments were adopted.

Mr. Cox of Lowell then moved that the bill be amended by inserting after section 3 the following section:

“SECTION 3A. Chapter 499 of the acts of 1990 is hereby amended by inserting after section 20 the following section: —

Section 20A. As of January first, nineteen hundred and ninety-two, all policies and contracts subject to chapter one hundred and seventy-eight A of the General Laws shall be eligible for coverage in the association created by section seventeen of chapter seven hundred and forty-five of the acts of nineteen hundred and eighty-five. The premiums for such policies and contracts payable prior to January first, nineteen hundred and ninety-two shall not be used by such association in any manner to compute an assessment for the Savings Bank Life Insurance Company of Massachusetts. Such company shall be a member of the association as of January first, nineteen hundred and ninety-two and shall not be assessed in any manner for insolvencies or impairments of member insurers occurring prior to January first, nineteen hundred and ninety-two. For insolvencies or impairments of member insurers occurring on or after January first, nineteen hundred and ninety-two, an assessment against the Savings Bank Life Insurance Company of Massachusetts shall be computed as follows: (1) assessment for insolvency or impairment occurring in nineteen hundred and ninety-two shall be computed on the basis of premiums received by the
company in nineteen hundred and ninety-two; (2) assessment for insolvency or impairment occurring in nineteen one hundred and ninety-three shall be computed on the basis of the average of premiums received by the company in nineteen hundred and ninety-two and nineteen hundred and ninety-three; (3) assessment for insolvency or impairment occurring in nineteen hundred and ninety-four shall be computed on the basis of the average of premiums received by the company in nineteen hundred and ninety-two, nineteen hundred and ninety-three and nineteen hundred and ninety-four; and (4) assessment for insolvencies or impairments occurring after January first, nineteen hundred and ninety-five against the company shall be computed in accordance with the provisions of subsection (9) of section one hundred and forty-six B of chapter one hundred and seventy-five of the General Laws.

The amendment was adopted.

The bill (Senate, No. 1748, amended) then was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

The House Bill further regulating alcoholic beverage licenses (House, No. 915), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Walsh of Agawam moved that it be amended by striking out, in line 17, the words "eighty dollars" and inserting in place thereof the words "thirty dollars".

The amendment was adopted; and the bill (House, No. 915, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the transfer of lobster licenses (House, No. 5089) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Petersen of Marblehead moved that it be amended in section 1 by striking out, in line 14, the word "shall" and inserting in place thereof the word "may"; by inserting after the word "years.", in line 17, the following sentence: "Any permit not renewed as required by this section by July first of each year may be subject to revocation by the division of marine fisheries.", by striking out, in line 21, the word "issue" and inserting in place thereof the word "renew"; by striking out, in line 25, the words "obtain a" and inserting in place thereof the words "renew their"; and by striking out, in line 49, the words "a new permit or".

The amendments were adopted; and the bill (House, No. 5089, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to contracts for the construction of certain pumping stations (House, No. 2736) (its title having been changed
by the committee on Bills in the Third Reading, reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, it was recommitted to the committee on State Administration, on motion of Mr. Hodgkins of Lee.

The motion of Mr. Businger of Brookline, that the committee on Ways and Means be discharged from further consideration of the House Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) was considered.

Pending the question on the motion to discharge the committee, further consideration thereof was postponed, on motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill prohibiting bullfighting (Senate, No. 962) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on concurring with the Senate in its amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill relative to increasing housing inspection staff (Senate, No. 517), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill relative to the insolvency fund for workers' compensation benefits (Senate, No. 1588, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, further consideration thereof was postponed, on motion of Ms. Bump of Braintree, until after disposition of the remaining matters in the Orders of the Day.

The House Bill creating the clean water fund to further protect the natural resources of the Commonwealth (House, No. 4537, changed) was read a second time.

Pending the question on adoption of the amendment previously
recommended by the committee on Ways and Means,—that the bill be amended by substitution of a bill with the same title (House, No. 6300),—and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Angelo of Saugus, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to incentives for economic development (House, No. 6298) was read a second time.

After remarks on the question on ordering the bill to a third reading, Mr. Magnani of Framingham asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mrs. Menard of Somerset being in the Chair) 121 members were recorded as being in attendance.

[See Yea and Nay No. 342 in Supplement.]

Therefore a quorum was present.

After debate on the question on ordering the bill to a third reading, Messrs. Coon of Andover, Lionett of Worcester, Tarr of Gloucester, Brewer of Barre and Palumbo of Newbury moved, there being no objection, that the bill be amended by inserting after section 5 the following section:

"SECTION 5A. Section 31A of chapter 63 of the Massachusetts General Laws is hereby amended by deleting the word 'one' where it appears in the second sentence of subparagraph (a) and inserting in place thereof the word 'three'.

Said section is hereby further amended by deleting the word 'one' where it appears in the second sentence of subparagraph (f) and inserting in place thereof the word 'three'.''.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Coon; and on the roll call 93 members voted in the affirmative and 48 in the negative.

[See Yea and Nay No. 343 in Supplement.]

Therefore the amendment was adopted.

Mrs. Rogeness of Longmeadow then moved that the bill be amended in section 17 by striking out, in item 9000-0200, the figures "2,750,000" and inserting in place thereof the figures "9,750,000".

After remarks on the question on adoption of the amendment (Mr. Voke of Chelsea being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mrs. Rogeness; and on the roll call 47 members voted in the affirmative and 92 in the negative.

[See Yea and Nay No. 344 in Supplement.]

Therefore the amendment was rejected.

The same member then moved that the bill be amended by inserting after section 19 the following four sections:

"SECTION 19A. To provide for the maintenance of the several
departments, boards, commissions and institutions, and sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sum set forth in section two, for the purposes specified in section two, is hereby appropriated from the General Fund.

SECTION 19B.

MASSACHUSETTS INDUSTRIAL FINANCE AGENCY.

9000-XXXX  For the purpose of the emerging technology fund 30,000,000.

SECTION 19C. Findings

It is hereby found and declared: (1) there currently exists within the commonwealth an unacceptable level of unemployment; (2) between 1989 and 1992, over ten percent of the total number of jobs in the commonwealth have been lost; (3) the rate of job loss is particularly high in the manufacturing sectors of the economy with a disproportionate impact on skilled workers lacking college or advanced degrees; (4) new sectors of the economy are emerging that could expand into manufacturing, were reasonable levels of private financing available; (5) private financing for new manufacturing and other advanced technology facilities is being inhibited by the severe recession of the real estate market and the impact of that recession on the willingness and ability of private sources of financing to make credit available for real-estate-related projects, including such facilities; (6) there is a likelihood that businesses contemplating expanding into manufacturing or advanced research and development in the commonwealth may choose to delay expansion or locate new facilities out-of-state in the absence of available financing; (7) failure to realize the potential of the commonwealth’s economy in advanced manufacturing and research and development would result in a long-term failure of the economy to provide high quality jobs for a broad cross-section of the working population; and (8) there exist quasi-public organizations, such as the Massachusetts Industrial Finance Agency (‘the agency’), with the expertise and experience necessary to make financial assistance available to leverage private sector financing for job creation purposes, but such agencies are severely undercapitalized. Therefore, it is the intention of the legislature to make available sufficient resources to the agency in the form of an Emerging Technology Fund to be directed to leveraging new private sector financing to stimulate job creation through the construction of state-of-the-art manufacturing, research and development and related facilities.

Therefore, it is found that it is in the public interest of the commonwealth to promote the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, to authorize the Massachusetts Industrial Finance Agency to establish and operate a certain program to stimulate within the commonwealth increased manufacturing activities in emerging technologies and that such program and any expenditures made pursuant thereto may be reasonably be expected to produce a
definite benefit to the economy of the commonwealth through the creation and retention of new and more rewarding employment opportunities for our citizens, which is a public benefit of a reasonably general character with any aspects of private advantage being reasonably incidental thereto.

SECTION 19D. Chapter twenty-three A of the General Laws, as so appearing in the 1990 Official Edition, is hereby further amended by inserting after section thirty-four the following sections: —

Section 34C. Emerging Technology Fund.

(a) There is hereby created and placed within the agency the Emerging Technology Fund, referred to in sections thirty-four C and thirty-four D as the ‘Fund’, to which shall be credited any appropriations authorized by the general court specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the agency, any pension funds, federal grants or loans or private investment capital which may properly be applied in furtherance of the objectives of the Fund, any proceeds from the sale of qualified investments secured or held by the Fund, any fees and charges imposed relative to the making of qualified investments, as the same shall be defined by the advisory committee created pursuant to section thirty-four D and pursuant to the rules and regulations adopted by the agency, secured or held by the Fund, and any other monies which may be available to the agency for the purposes of the Fund from any other source or sources. The agency shall hold the Fund in an account or accounts separate from other funds or accounts.

(b) The agency shall invest and reinvest the Fund and the income thereof, except as hereinafter provided, only as follows: (1) in the making of qualified investments, as the same shall be defined by the advisory committee created pursuant to section thirty-four D and pursuant to the rules and regulations adopted by said advisory committee; (2) in defraying the ordinary and necessary expenses of administration and operation associated with the Fund; (3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (4) for the payment of binding obligations associated with such qualified investments which are secured by the Fund as the same become payable; and (5) for the payment of principal or interest on qualified investments secured by the Fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity; provided, however, that monies in the Fund shall not be withdrawn at any time in such an amount as would reduce the amount of the Fund to less than the minimum requirement thereof established by resolution of the advisory committee created pursuant to section thirty-four D, except for the purpose of paying binding obligations associated with qualified investments which are secured by the Fund as the same become payable and for which other monies of the agency are not available.

(c) The Fund shall be held and applied by the agency to make qualified investments designed to advance the following public
purpose: stimulating increased financing for new manufacturing, research and development and related facilities in the commonwealth by leveraging private financing for highly productive state-of-the-art facilities, which will lead to increased and more rewarding employment opportunities for the citizens hereof. The agency shall make no such qualified investment pursuant to subsection (b)(1) of this section unless the agency finds that, to the extent possible, said qualified investment is such that a definite benefit to the economy of the commonwealth may reasonably be expected therefrom. In addition, the agency shall make no such qualified investment pursuant to subsection (b)(1) of this section unless such qualified investment has been approved in advance by the advisory committee established pursuant to section thirty-four D and pursuant to the rules and regulations approved by said advisory committee and adopted by the agency; provided, that the agency shall make no reservation or encumbrance of, or disbursement from, the Fund unless and until said regulations have been approved in writing by the secretary of economic affairs. Said rules and regulations shall prescribe the terms and conditions attaching to investments which are to constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments or other financing or credit enhancing devices, as made by the agency directly or on its own behalf or in conjunction with other public instrumentalities, or private institutions, or the federal government, provided further, that said rules and regulations shall provide that each such qualified investment shall involve a transaction with the participation of at least two at-risk private parties. Said rules and regulations shall, in addition, set forth the terms, procedures, standards and conditions which the agency shall employ to identify qualified applications, process applications, make investment determinations, safeguard the Fund, advance the objective of increasing employment opportunities for the citizens of the commonwealth, oversee the progress of qualified investments, and secure the participation of other public instrumentalities, private institutions, or the federal government in such qualified investments, provided, that said rules and regulations shall provide that each recipient of a qualified investment shall be required to pay a fee as a condition of such receipt, which fee may take the form of points, an interest rate premium or a contribution of warrants or other form of equity to the Fund as prescribed by said advisory committee; and provided, further, that said rules and regulations shall provide for negotiated agreements between the agency and each recipient of a qualified investment regarding the terms and conditions by which the Fund's support thereof could be reduced or withdrawn.

(d) The agency may solicit investments by private institutions or investors in the activities of the Fund and may reach agreements with such private institutions or investors regarding the terms of any such investments including, without limitation, the rights of such investors to participate in the income or appropriation of the Fund. In furtherance of the objective of securing investments by private
incentives.

Economic institutions or investors in the activities of the Fund as set forth in the preceding sentence, the agency shall, on or before the date one year after the first qualified investment is approved by the agency, submit to the secretary of economic affairs a detailed proposal relative to the creation of a separate investment entity which allows for the commingling of the resources of the Fund with the maximum participation by such private institutions or investors in a manner which is consistent with the public purpose of the Fund and under terms and conditions calculated to protect and preserve the assets of the Fund; provided, that if the creation or operation of such a separate entity as proposed by the agency would require additional or clarifying amendments to the enabling act of the agency, said proposal shall include proposed statutory language with regard thereto.

(e) Copies of the approved rules and regulations, and any modifications thereto, shall be submitted to the chairpersons of the house and senate committees on ways and means and the clerks of the house and senate.

(f) Qualified investment transactions undertaken by the agency pursuant to the provisions of this section shall not, except as specified in this chapter, be subject to the provisions of chapter one hundred and seventy-five of the General Laws, or any successor thereto, and shall be payable solely from the emerging technology fund established by this section and shall not constitute a debt or pledge of the faith and credit of the commonwealth or of any subdivision thereof.

(g) The agency shall not at any time make any expenditure from or commitment of the assets of the Fund, including, without limitation, the making of qualified investments secured by the Fund, if following the making of said qualified investment, the amount of the Fund shall be less than the minimum requirement established by the advisory committee pursuant to section thirty-four D, unless the agency, at the time of making of such qualified investment, deposits in the Fund from the proceeds thereof or from any fees and charges imposed relative to the making of qualified investments, or otherwise, an amount which, together with the amount in the Fund, shall not be less than the minimum requirement; provided, that at no time shall the minimum requirement of the Fund established by the advisory committee be less than the greater of (i) the maximum amount of principal and interest becoming due in the current and succeeding fiscal year of the agency on all outstanding bonds and other obligations which are secured by the Fund or (ii) thirty percent of the aggregate amount of the Fund’s outstanding liabilities and obligations under the qualified investments.

(h) In order to assure the maintenance of the Fund at the minimum requirement established by the advisory committee, the Governor shall annually request of the general court that there shall annually be appropriated and paid to the agency for deposit in the Fund such sum, if any, as shall be certified by the chairman of the advisory committee to the Governor as necessary to restore or
maintain the Fund at such minimum amount provided that the maximum amount of such appropriations should not exceed seventy-five million dollars, including the amount of the initial appropriation to the Fund. The chairman of the advisory committee shall annually, on or before October thirtieth, make and deliver to the secretary for administration and finance his certificate stating the amount, if any, required to restore or maintain the Fund at the amount aforesaid and an appropriation for the amount so stated, if any, shall be requested of the general court by the Governor to be paid to the agency during the then current fiscal year of the commonwealth; provided, however, that while it is the present intention of the general court to appropriate the amounts as so requested, the general court at the time of any such request shall be under no obligation to appropriate any such amount. Said secretary acting on behalf of the commonwealth shall enter into an agreement with the agency memorializing the foregoing commitment by providing that the commonwealth shall provide contract assistance to the Fund as aforesaid in the maximum aggregate amount of seventy-five million dollars including the amount of the initial appropriation to the Fund. The agency may pledge such agreement and the rights of the agency to receive amounts thereunder as security for the payment of obligations of the Fund. Such agreement shall contain such provisions as are necessary to ensure that such agreement does not constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth may be pledged.

Section 34D. Advisory Committee.

(a) There is hereby created an advisory committee relative to the Fund consisting of seven members: the secretary of economic affairs and the secretary for administration and finance, serving ex officio, provided that each of the foregoing persons may designate another person from time to time to act in his place for a particular purpose, including the right to attend and vote at a meeting of the advisory committee, and five other persons appointed by the governor who have knowledge and experience in one or more of the following areas: engineering, finance, real estate, and emerging technologies. Each member of the advisory committee shall serve for a term coterminous with the term of the governor and thereafter until such member's successor is appointed. Any person appointed to fill a vacancy on the advisory committee shall be appointed in a like manner and shall be eligible for reappointment. Any member of the advisory committee may be removed by the governor for cause. The advisory committee is encouraged to award on behalf of the agency one or more contracts with regard to the management of the Fund, which may provide performance-based incentives with regard to such management.

(b) The members shall elect annually a chairman and vice chairman and shall adopt by-laws governing the affairs of the advisory committee. Four members of the advisory committee shall constitute a quorum and the affirmative vote of a majority of the
members present and eligible to vote at a meeting shall be necessary for any action to be taken by the advisory committee; provided, that the affirmative vote of the secretary for administration and finance or his designee shall be necessary for any expenditure from or commitment of the assets of the Fund; provided, further, that except as set forth in the preceding clause, no vacancy in the membership of the advisory committee shall impair the right of a quorum to exercise the powers of the advisory committee. The members shall serve without compensation, but each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his official duties. The advisory committee shall meet at least twelve times in each year and shall have final authority over the activities of the Fund. The agency shall provide such staff and supporting assistance as deemed appropriate by the advisory committee to discharge its duties in a manner consistent with its public purpose as set forth in section thirty-four C. The provisions of subsections (d), (f) through (i), and (l) of section thirty-one of this chapter shall apply as well to the members and affairs of the advisory committee created pursuant to this section.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Rogeness of Longmeadow; and on the roll call 75 members voted in the affirmative and 63 in the negative. [See Yea and Nay No. 345 in Supplement.]

Therefore the amendment was adopted. Mr. Bosley of North Adams then moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. DeFilippi of West Springfield; and on the roll call 77 members voted in the affirmative and 62 in the negative. [See Yea and Nay No. 346 in Supplement.]

Therefore the motion to reconsider prevailed.

On the recurring question on adoption of the amendment offered by Mrs. Rogeness, the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 66 members voted in the affirmative and 75 in the negative. [See Yea and Nay No. 347 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Messrs. Tarr of Gloucester and Palumbo of Newbury moved that the bill be amended by inserting after section 19 the following twenty-four sections:

“SECTION 19A. Section 1 of chapter 62 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out subsection (m) and inserting in place thereof the following subsection:

(m) The term ‘capital asset’ shall have the meaning as given in section one thousand two hundred and twenty-one of the Code and shall be limited to assets which are sold, exchanged or otherwise disposed of by a person while he is subject to taxation under this chapter on any Part A or Part C taxable income; provided, that
property used in a trade or business within the meaning of section one thousand two hundred and thirty-one (b) of the Code, without regard to the holding period requirement in said section, and property held in connection with a trade or business or transaction entered into for profit within the meaning of section one thousand two hundred and thirty-one (a)(3)(A)(ii)(I) of the Code, without regard to the holding period requirement in said section, shall be treated as if such property were a 'capital asset' within the meaning of section one thousand two hundred and twenty-one of the Code.

The term 'capital gain income' shall mean gain from the sale or exchange of a capital asset. In determining the amount of gain or loss on any sale, exchange, or other disposition of property, the provisions of section six F of this chapter shall be taken into account; and provided, further, that losses from the sale or exchange of capital assets do not include any item the deduction of which is, or but for some other section would be, prohibited by section two hundred and sixty-seven of the Code.

SECTION 19B. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 75, the words 'two classes' and inserting in place thereof the words: — three Parts.

SECTION 19C. Paragraph (1) of subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 77, the words 'capital gain net income' and inserting in place thereof the words: — capital gain income.

SECTION 19D. Paragraph (1) of subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subparagraph:

(C) Capital gain income from capital assets held for more than one year, but not including capital gain income from property defined under section four hundred and eight (m)(2) of the Code with the modification provided for in section four hundred and eight (m)(3) of the Code.

SECTION 19E. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:

(2) Part B gross income shall be Massachusetts gross income not included in Part A or Part C gross income.

SECTION 19F. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following paragraph:

(3) Part C gross income shall be capital gain income comprised of the following classes:

(A) Class B gain which equals the gains from the sale or exchange of capital assets held for more than one year but less than or equal to two years.

(B) Class C gain which equals the gains from the sale or exchange of capital assets held for more than two years but less than or equal to three years.

(C) Class D gain which equals the gains from the sale or exchange of capital assets held for more than three years but less than or equal to four years.
(D) Class E gain which equals the gains from the sale or exchange of capital assets held for more than four years but less than or equal to five years.

(E) Class F gain which equals the gains from the sale or exchange of capital assets held for more than five years but less than or equal to six years.

(F) Class G gain which equals the gains from the sale or exchange of capital assets held for more than six years.

For purposes of this subsection, property acquired prior to January 1, 1993 shall be deemed to have been acquired on January 1, 1992 or on the date of actual acquisition, whichever is later.

SECTION 19G. Subsection (c) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraphs (2) and (3) and inserting in place thereof the following paragraphs:

(2) Losses from the sale or exchange of capital assets held for one year or less other than losses from property defined under section four hundred and eight (m)(2) of the Code with the modification provided in section four hundred and eight (m)(3) of the Code, provided, that any such losses that exceed Part A gross income shall be a loss under this paragraph in succeeding taxable years.

(3) A deduction equal to fifty percent of the following amount:
the capital gain income for the taxable year from property held for more than one year included in Part A gross income, less the excess of 1) the losses for the taxable year allowed in paragraph 2 of this subsection over 2) the capital gain income for the taxable year from property held for one year or less included in Part A gross income.

SECTION 19H. Paragraph 1 of subsection (d) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subparagraph:

(L) The deduction allowed by section sixty-two (a)(3) of the Code as it applies to losses from the sale or exchange of capital assets.

SECTION 19I. Section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subsection:

(e) Part C adjusted gross income shall be the Part C gross income comprised of the following classes as adjusted:

(A) Class B net gain which equals the excess of Class B gains over the losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years.

(B) Class B net loss which equals the excess of losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years over the Class B gains.

(C) Class C net gain which equals the excess of Class C gains over the losses from the sale or exchange of capital assets held for more than two years but less than or equal to three years.

(D) Class C net loss which equals the excess of losses from the sale or exchange of capital assets held for more than two years but less than or equal to three years over the Class C gains.

(E) Class D net gain which equals the excess of Class D gains over the losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years.
(F) Class D net loss which equals the excess of losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years over the Class D gains.

(G) Class E net gain which equals the Class E gains over the losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years.

(H) Class E net loss which equals the excess of losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years over the Class E gains.

(I) Class F net gain which equals the Class F gains over the losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years.

(J) Class F net loss which equals the excess of losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years over the Class F gains.

(K) Class G net gain which equals the Class G gains over the losses from the sale or exchange of capital assets held for more than six years.

(L) Class G net loss which equals the excess of losses from the sale or exchange of capital assets held for more than six years over the Class G gains.

For purposes of this subsection, property acquired prior to January 1, 1993 shall be deemed to have been acquired on January 1, 1992 or on the date of actual acquisition, whichever is later.

Any excess net long-term capital loss from property sold or exchanged prior to January 1, 1993 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1993, shall be treated as Class B losses for purposes of paragraphs (A) and (B) of this subsection. Any excess net short-term capital loss from property sold or exchanged prior to January 1, 1993 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1993, shall be treated as losses from the sale or exchange of capital assets held for one year or less for purposes of paragraph (2) of subsection (c).

SECTION 19J. Subsection (e) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 176, the letter 'e' and inserting in place thereof the letter: — (f).

SECTION 19K. Subsection (f) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 179, the letter 'f' and inserting in place thereof the letter: — (g).

SECTION 19L. Section 2 of said chapter 62, as so appearing is hereby amended by adding the following subsection: —

(h) The Part C taxable income shall be the Part C adjusted gross income less the deductions and exemptions allowable under Part C of section three.

SECTION 19M. Section 2 of said chapter 62, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection: —
(i) Massachusetts adjusted gross income shall be the sum of Part A adjusted gross income, Part B adjusted gross income and Part C adjusted gross income.

SECTION 19N. Section 3 of said chapter 62, as so appearing, is hereby amended by adding the following subsection: —

C. In determining the Part C taxable income, the Part C adjusted gross income shall be reduced by the following deductions and exemptions:

(a) There shall be deducted from the Part C adjusted gross income in determining the Part C taxable income:

(1) Such net amount of the Part C adjusted gross income of trustees or other fiduciaries subject to taxation under sections nine or ten as is payable to or accumulated for persons not inhabitants of the commonwealth to the extent that such income would not be subject to taxation under section five A if received by a nonresident.

(2) Such net amount of the Part C adjusted gross income of trustees, executors or administrators as is pursuant to the terms of the will, deed or other instrument governing the estate or trust currently payable to or irrevocably set aside for public charitable purposes, or to or for the benefit of any organization or organizations established and operated exclusively for charitable purposes.

(b) An exemption shall be allowed under this section equal to the amount by which the total exemptions allowable under Part B of section three exceed the Part B adjusted gross income less the deductions allowable under paragraph (a) of Part B of section three and the Part A adjusted gross income less the deductions allowable under paragraph (a) of Part A of section three. No exemption shall be allowed hereunder to any married person unless a joint return is filed.

SECTION 190. Section 4 of said chapter 62, as so appearing, is hereby amended by adding the following subsection: —

(c) The tax on Part C taxable income shall be equal to the sum of the following:

(1) Class B net gain or net loss multiplied by the rate of five percent;

(2) Class C net gain or net loss multiplied by the rate of four percent;

(3) Class D net gain or net loss multiplied by the rate of three percent;

(4) Class E net gain or net loss multiplied by the rate of two percent;

(5) Class F net gain or net loss multiplied by the rate of one percent;

(6) Class G net gain or net loss multiplied by the rate of zero percent.

If such sum is a negative amount, such negative amount shall be a Part C credit and shall be applied against any Part A tax imposed on any net capital gain as determined under subsection (a) of this section before any credits in section six. If there remains any excess
Part C credit after offsetting any such Part A tax, such excess Part C credit shall be carried over without limitation, and in any tax year may first offset any Part C tax as calculated under this subsection (c) before any credits in section six, with any excess Part C credit applied against any Part A tax imposed on any net capital gain as determined under subsection (a) of this section before any credits in section six. For purposes of this subsection, net capital gain subject to tax under subsection (a) of this section shall be capital gain income included in Part A gross income as reduced by any capital losses allowed in paragraph 2 of subsection (c) of section 2.

SECTION 19P. Subsection (a) of section 5 of said chapter 62, as so appearing, is hereby amended by striking out, in line 2, the words ‘income and Part B taxable income’ and inserting in place thereof the following words: — income, Part B taxable income and Part C taxable income.

SECTION 19Q. Subsection (a) of section 5A of said chapter 62, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘income and the Part B taxable income’ and inserting in place thereof the following words: — income, the Part B taxable income and the Part C taxable income.

SECTION 19R. Subsection (a) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 14, the words ‘Part A or Part B gross income’ and inserting in place thereof the following words: — Part A, Part B or Part C gross income.

SECTION 19S. Subsection (a) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 15, the words ‘Part A or Part B gross income’ and inserting in place thereof the following words: — Part A, Part B or Part C gross income.

SECTION 19T. Subsection (a) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out, in line 11, the words ‘three A or three B’ and inserting in place thereof the following words: — three A, three B or three C.

SECTION 19U. Subsection (b) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out, in line 32, the words ‘Part A gross income’ and inserting in place thereof the following words: — Part A gross income and Part C gross income.

SECTION 19V. Subsection (g) of section 10 of said chapter 62, as so appearing, is hereby amended by striking out, in line 84, the words ‘income or Part B income’ and inserting in place thereof the following words: — income, Part B or Part C income.

SECTION 19W. Subsection (c) of section 17 of said chapter 62, as so appearing, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following paragraphs:

1. the offset of Part A losses against interest and dividends provided in paragraph 2 of subsection (c) of section 2; the deduction allowed under paragraph (3) of subsection (c) of section 2; and the credits allowed under subsection (c) of section 4;

2. the exemptions provided in section five and clauses one, two, three, and four of paragraph (b) of subsection B of section three.
SECTION 19X. Sections 19A through 19X shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-three.

After debate Mr. Lionett of Worcester moved that the amendment, offered by Messrs. Tarr and Palumbo, be amended by adding at the end thereof the following section:

"SECTION 19Y. Sections 19A to 19X shall apply only to companies operating in economic development zones."

After remarks on the question on adoption of the further amendment (Mr. Serra of Boston being in the Chair), and pending the question on adoption of the amendment offered by Messrs. Tarr of Gloucester and Palumbo of Newbury, and the main question on ordering the bill to a third reading, Mr. Finneran of Boston moved that when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.; and the motion prevailed.

Accordingly, without further consideration of the pending matter, and the remaining matters in the Orders of the Day, at three minutes after five o'clock P.M. (Mr. Serra being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.

Met according to adjournment, at eleven o’clock A.M.

Prayers was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we are grateful for the blessings which You bestow upon us daily and which we, too often, take for granted. As citizens of this state and country we are grateful, also, for the benefits of living in this land. Teach us to accept our responsibilities as citizens so that all people will be treated justly, fairly and compassionately. During this season of lights, love and giving with their special religious significance, may we join together in planning a better and more just society. May our disagreements be on the issues of the moment and not on personalities. Let the common good and the well-being of all people be the top item on our agenda.

Grant Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-three to provide for supplementing a certain existing appropriation (House, No. 6324) was filed in the office of the Clerk on Thursday, December 17.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Plymouth to lease certain parcels of land (House, No. 6325) was filed in the office of the Clerk on Thursday, December 17.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs. Sent to the Senate for concurrence.

Statement of Representative Angelo of Saugus.

During consideration of the Orders of the Day, Mr. Angelo of Saugus asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:
MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to personal business in my district. Any roll calls that I missed today was due entirely to the reason stated. If I had been present in the Joint Session on the recurring question on adoption of an amendment offered by Mr. Cohen of Newton, see Yea and Nay No. 350, I would have voted in the affirmative.

Mr. Angelo then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Resolutions.

Resolutions (filed with the Clerk by Mr. Goguen of Fitchburg) congratulating James P. Keaveny on earning the prestigious rank of Eagle Scout, were referred, under Rule 85, to the committee on Rules.

Mr. Voke of Chelsea, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of Rule 41, on motion of Mr. Goguen, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Resolutions (filed with the Clerk by Mr. Miceli of Wilmington) congratulating Ella S. Manley on the occasion of her one hundredth birthday, were referred, under Rule 85, to the committee on Rules.

Mr. Voke of Chelsea, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of Rule 41, on motion of Mr. Miceli, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Commissioner of Banks (under Section 2(c) of Chapter 140E of the General Laws) relative to rules and regulations promulgated by said commissioner under the Consumer Account Disclosure law and concerning a proposed amendment to the truth-in-savings regulations, was sent to the Senate for its information.

Petitions.

Mrs. Murray of Cohasset presented a petition (accompanied by bill, House, No. 6323) of Mary Jeanette Murray (by vote of the town) for legislation to authorize the town of Hull to establish a community development trust fund account; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Mr. Finneran of Boston presented a petition (subject to Joint Rule 12) of Thomas M. Finneran that the Group Insurance Commission be prohibited from executing certain agreements; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Serra of Boston, for the committee on Rules and the
committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. Finneran, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Ways and Means. Sent to the Senate for concurrence in the suspension of Joint Rule 12.

Papers from the Senate.

The House Bill relative to the treatment of animals by acupuncture (House, No. 5753) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

"Chapter 112 of the General Laws is hereby amended by inserting after section 58A the following section:

Section 58B. The board of registration in medicine through its committee on acupuncture shall set standards of educational requirements for licensed acupuncturists who wish to treat animals. Said standards shall be by animal species.

No licensed acupuncturists shall perform acupuncture services on any animal unless the owner of said animal has signed an affidavit stating that said animal is under the care of a licensed veterinarian."

Under suspension of Rule 35, on motion of Mr. Angelo of Saugus, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill relative to conservation restrictions (Senate, No. 1673) (on Senate, No. 970), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill authorizing the exchange of certain parcels of land in the town of Norfolk between the conservation commission and the board of selectmen of said town (Senate, No. 1755, changed in section 1 by inserting after the word "Commission," in line 2, the words "and subject to the approval of the secretary of environmental affairs," and amended by inserting after section 1 the following section:

"SECTION 1A. In consideration for the conveyance authorized under the provisions of section one, the board of selectmen shall convey a certain parcel of land to be used for conservation purposes. Said parcel of land is shown as Parcel ‘B’ on said plan of land entitled ‘Plan of Land in Norfolk’ dated October 27, 1992 by Landmark Engineering of New England Inc. R.L.S., P.E., 224 Dedham Street, Norfolk, MA 02056.”) (reported on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was placed in the Orders of the Day for a second reading.

A petition of William M. Bulger for legislation to repeal a certain textbook loan program, came from the Senate referred, under suspension of Joint Rule 12, to the Senate committee on Rules.
The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1781) was referred to the Senate committee on Rules.

**Reports of Committees.**

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of David B. Cohen relative to further amending the act of incorporation of the American Association for the Advancement of Science. Under suspension of Rule 42, on motion of Mr. Cohen of Newton, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Commerce and Labor. Sent to the Senate for concurrence.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

- Petition (accompanied by bill) of Paul Kollios relative to further regulating certain medical procedures under the medical care and assistance program. To the committee on Human Services and Elderly Affairs.
- Petition (accompanied by bill) of Gary M. Coon for legislation to authorize the Department of Education to establish a sick leave bank for Lawrence Witty, an employee of said department. To the committee on Public Service.

Under suspension of Rule 42, on motion of Mr. Kollios of Millbury, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill relative to the terms of certain notes to be issued by the Commonwealth (printed in House, No. 6184), which was read.

Under suspension of the rules, on motion of Mr. Finneran, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Honor the Lieutenant-Governor, Acting Governor (House, No. 6267), a Bill to stimulate employment and encourage the siting of certain federal facilities in the Commonwealth (House, No. 6333) [Bond Issue: $100,000,000.00], which was read.

Under suspension of the rules, on motion of Mr. Peters of Charlton, the bill was read a second and (having been reported by
the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: An Act relative to stimulating employment and encouraging the siting of certain federal facilities in the Commonwealth. Mr. Peters moved that the vote be reconsidered by which the House passed the bill to be engrossed; and the motion to reconsider was negatived. The bill (House, No. 6333) then was sent to the Senate for concurrence.

By Mr. Roosevelt of Boston, for the committee on Education, Arts and Humanities, on House, No. 5750, a Bill relative to reforming public education (House, No. 6322) [Estimated Cost: — Fiscal Year 1994: $175,000,000.00].

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill authorizing the Division of Capital Planning and Operations to convey certain parcels of land in the town of North Reading to the town (House, No. 6273).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill to establish a state bicycle program fund (House, No. 5253) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 6328).

By the same member, for the same committee, that the Bill relative to sexual harassment education and training in the workplace (House, No. 5559) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 6329).

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Walsh of Agawam, for the committee on Government Regulations, on a petition, a Bill authorizing the licensing authority of the city of Pittsfield to issue a license for the sale of all alcoholic beverages not to be drunk on the premises to Cozzi, Inc. d/b/a Rufo's Variety (House, No. 6279) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the licensing authority of the city of Pittsfield to issue a license for the sale of all alcoholic beverages to be drunk on the premises to Truffles & Such, Inc. (House, No. 6280) [Local Approval Received].

By Mr. DiMasi of Boston, for the committee on the Judiciary, on House, Nos. 5931, 5932 and 5933, a Bill relative to the liability of certain charitable organizations (House, No. 6330).

By Mr. Rushing of Boston, for the committee on Local Affairs, on House, No. 6257, a Bill relative to municipal sewer receipts (House, No. 6331).

By Mr. Finneran of Boston, for the committee on Ways and Means, on House, No. 6268, a Bill furthering the establishment of a transportation center and multi-purpose arena (House, No. 6332).

Severally read; and placed in the Orders of the Day for the next sitting for a second reading.
Emergency Measures.

The engrossed Bill authorizing and directing the State Retirement Board to recalculate the pension of Ellen Schiff (see House, No. 5346), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 29 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing sick leave banks for certain employees of the Commonwealth (see House, No. 6116, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 27 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills
Relating to the amortization of bond anticipation notes in the town of Granby (see Senate, No. 1706, changed);
Further regulating title insurance to title insurers (see Senate, No. 1748, amended);
Relative to homelessness in Barnstable County (see Senate bill printed as House, No. 6180, amended);
(Which severally originated in the Senate);
Relative to the filling of vacancies in the offices of city council and school committee in the city of Springfield (see House, No. 5319);
Authorizing the town of Bellingham to reimburse Vincent R. Thayer, executor of the estate of L. F. Thayer, a sum of three thousand seven hundred sixty-two dollars and seventy cents paid to said town as real estate taxes in error (see House, No. 5965);
Providing for the appointment of the tax collector in the town of Groveland (see House, No. 6023);
Providing for the appointment of the town treasurer in the town of Groveland (see House, No. 6024);
Relative to town meeting members in the town of Milford (see House, No. 6159);
Relative to orders of condition for recreational activities at Nauset Beach within the towns of Orleans and Chatham (see House, No. 6284, amended);
Exempting certain positions in the building department of the town of Brookline from the provisions of the civil service law (see House, No. 6293);
Exempting certain school department positions in the town of Brookline from the provisions of the civil service law (see House, No. 6294);

Establishing a funding schedule for the retirement system of the city of Fitchburg (see House, No. 6295); and

Authorizing the appointment of a member of the board of selectmen of the town of Randolph to the position of executive secretary of said board (see House, No. 6315);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Orders of the Day.

House bills

Authorizing the county of Dukes County to borrow in anticipation of a certain state grant (printed as Senate, No. 1763, changed);

Relative to former prisoners of war (House, No. 283);

Relative to conservation and right-of-way easements in the city of Northampton (House, No. 1796) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the Division of Capital Planning and Operations to grant easements over certain parkland in the town of Holbrook (House, No. 1805);

Providing for a public water supply in the town of Nantucket (House, No. 5630) (its title having been changed by the committee on Bills in the Third Reading);

Changing the harbor lines in Fort Point Channel and authorizing certain structures and fill necessary in connection with the Central Artery/tunnel project to extend beyond established harbor lines in the Fort Point Channel (House, No. 6171, amended);

Authorizing the city of Gloucester to pay a certain unpaid bill (House, No. 6182);

Providing for the appointment of the treasurer-tax collector in the town of West Bridgewater (House, No. 6187);

Relative to the charter of the town of Acushnet (House, No. 6194);

Exempting the Plymouth/Carver Regional School District from its teachers' salary deferral for fiscal year nineteen hundred and ninety-three (House, No. 6197) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the Belchertown housing authority (House, No. 6218);

Relative to the charter of the town of Provincetown (House, No. 6222);

Providing for recall elections in the town of Millbury (House, No. 6234);

Providing for referendum petitions and elections in the town of Millbury (House, No. 6235) (its title having been changed by the committee on Bills in the Third Reading);
Third reading bills.

Third reading bill amended.

Authorizing the town of Bourne to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Grey Gables Country Market, Inc. (House, No. 6238) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a funding schedule for the retirement system of the city of Salem (House, No. 6271) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Hudson to convey a certain parcel of park land (House, No. 6277); and

Relative to land in the town of Belchertown (House, No. 6301);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill authorizing the town of Nantucket and the county of Nantucket to adopt a consolidated charter (House, No. 6152, amended) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 2 by striking out, in lines 8 to 14, inclusive, the following: "Whenever consolidated town-and-county charter procedures are authorized by a petition signed by at least fifteen percent of the number of registered voters residing in the Town at the preceding state election, an election shall be held in the Town and County in conformity with the provisions of the Constitution and the Home Rule Procedures Act M.G.L. c. 43B, Sections 1 through 5. Accordingly," and inserting in place thereof the following sentence: "An election shall be held in the town and county of Nantucket in conformity with the provisions of chapter forty-three B of the General Laws whenever consolidated town-county charity procedures are authorized by a petition signed by at least fifteen percent of the registered voters of the town at the preceding biennial state election.", and by striking out section 10 and inserting in place thereof the following section:

"SECTION 10. This act shall be submitted for acceptance to the voters of the town of Nantucket at an annual or special town meeting in the form of the following question: — 'Shall an act passed by the general court in the year nineteen hundred and ninety-two, entitled "An Act authorizing the town of Nantucket and the County of Nantucket to adopt a consolidated charter", be accepted?' If a majority of the votes cast in answer to said question is in the affirmative, said act shall take effect but not otherwise.

The amendment was adopted; and the bill (House, No. 6152, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the town of Foxborough to convey a certain parcel of conservation land (House, No. 6276, changed) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out the words
subject to approval of the secretary of environmental affairs,”
(inserted by change).
The amendment was adopted; and the bill (House, No. 6276, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to certain powers of the Department of Public Utilities (Senate, No. 1671, amended) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Walsh of Agawam, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Senate bills
Relative to visitation rights of certain grandparents of unmarried minor children (Senate, No. 814, amended);
Further regulating the adjudication of juveniles charged with murder (Senate, No. 1486);
Relative to compensation of elected officials of the town of Bellingham (Senate, No. 1727);
Providing for the election of a mayor in the city known as the town of Methuen and establishment of limitation of terms of town councillors (Senate, No. 1739);
To provide for distinctive license plates for members of the Ancient and Honorable Artillery Company (Senate, No. 1741);
Relative to quarterly taxes in cities and towns (Senate, No. 1754, changed); and
Authorizing the conservation commission of the town of Norwood to grant a certain utility easement (Senate, No. 1774, changed); and
House bills
Relative to the taxing of certain mobile homes (House, No. 1035);
Providing for drug free park and playground zones (House, No. 1081);
To transfer control of the treatment center from the Department of Mental Health to the Department of Correction to further protect the public safety and to improve the quality of treatment (printed in House, No. 5903, changed);
Providing tenure of office for Timothy P. Ryan as chief of the police department in the town of Millville (House, No. 6245);
Exempting the position of chief of police in Watertown from civil service rules and regulations (House, No. 6278);
Authorizing the town of Saugus to convey certain open-space land (House, No. 6297, changed);
To establish a funding schedule for the city of Attleboro contributory retirement system (House, No. 6317); and
Establishing a funding schedule for the city of Pittsfield retirement system (House, No. 6318);
Severally were read a second time; and they were ordered to a third reading;
The House Bill creating the clean water fund to further protect the natural resources of the Commonwealth (House, No. 4537, changed) was considered.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 6300), — was adopted.

The substituted bill then was ordered to a third reading.

The House Resolve reviving and continuing the special commission established to make an investigation and study relative to veterans’ affairs in the Commonwealth (House, No. 6213) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the resolve be amended by adding at the end thereof the following paragraph:

"Said commission shall report to the General Court the results of its investigation and study and its recommendations, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the Clerk of the House of Representatives on or before the first Wednesday in September, nineteen hundred and ninety-three.\" — was adopted.

The resolve (House, No. 6213, amended) then was ordered to a third reading.

The House report of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 6239) of Thomas S. Cahir (by vote of the town) for legislation to establish the office of clerk-treasurer in the town of Bourne, was accepted.

The House Bill relative to incentives for economic development (House, No. 6298, amended) was considered.

Pending the question on adoption of the amendment, previously offered by Messrs. Tarr of Gloucester and Palumbo of Newbury, that the bill be amended by adding at the end thereof the following twenty-four sections:

"SECTION 19A. Section 1 of chapter 62 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out subsection (m) and inserting in place thereof the following subsection:

(m) The term ‘capital asset’ shall have the meaning as given in section one thousand two hundred and twenty-one of the Code and shall be limited to assets which are sold, exchanged or otherwise disposed of by a person while he is subject to taxation under this chapter on any Part A or Part C taxable income; provided, that property used in a trade or business within the meaning of section one thousand two hundred and thirty-one (b) of the Code, without regard to the holding period requirement in said section, and property held in connection with a trade or business or transaction entered into for profit within the meaning of section one thousand
two hundred and thirty-one (a)(3)(A)(ii)(II) of the Code, without regard to the holding period requirement in said section, shall be treated as if such property were a 'capital asset' within the meaning of section one thousand two hundred and twenty-one of the Code.

The term 'capital gain income' shall mean gain from the sale or exchange of a capital asset. In determining the amount of gain or loss on any sale, exchange, or other disposition of property, the provisions of section six F of this chapter shall be taken into account; and provided, further, that losses from the sale or exchange of capital assets do not include any item the deduction of which is, or but for some other section would be, prohibited by section two hundred and sixty-seven of the Code.

SECTION 19B. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 75, the words 'two classes' and inserting in place thereof the words: — three Parts.

SECTION 19C. Paragraph (1) of subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 77, the words 'capital gain net income' and inserting in place thereof the words: — capital gain income.

SECTION 19D. Paragraph (1) of subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subparagraph: —

(C) Capital gain income from capital assets held for more than one year, but not including capital gain income from property defined under section four hundred and eight (m)(2) of the Code with the modification provided for in section four hundred and eight (m)(3) of the Code.

SECTION 19E. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph: —

(2) Part B gross income shall be Massachusetts gross income not included in Part A or Part C gross income.

SECTION 19F. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following paragraph: —

(3) Part C gross income shall be capital gain income comprised of the following classes:

(A) Class B gain which equals the gains from the sale or exchange of capital assets held for more than one year but less than or equal to two years.

(B) Class C gain which equals the gains from the sale or exchange of capital assets held for more than two years but less than or equal to three years.

(C) Class D gain which equals the gains from the sale or exchange of capital assets held for more than three years but less than or equal to four years.

(D) Class E gain which equals the gains from the sale or exchange of capital assets held for more than four years but less than or equal to five years.
(E) Class F gain which equals the gains from the sale or exchange of capital assets held for more than five years but less than or equal to six years.

(F) Class G gain which equals the gains from the sale or exchange of capital assets held for more than six years.

For purposes of this subsection, property acquired prior to January 1, 1993 shall be deemed to have been acquired on January 1, 1992 or on the date of actual acquisition, whichever is later.

SECTION 19G. Subsection (c) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraphs (2) and (3) and inserting in place thereof the following paragraphs:

(2) Losses from the sale or exchange of capital assets held for one year or less other than losses from property defined under section four hundred and eight (m)(2) of the Code with the modification provided in section four hundred and eight (m)(3) of the Code, provided, that any such losses that exceed Part A gross income shall be a loss under this paragraph in succeeding taxable years.

(3) A deduction equal to fifty percent of the following amount: the capital gain income for the taxable year from property held for more than one year included in Part A gross income, less the excess of 1) the losses for the taxable year allowed in paragraph 2 of this subsection over 2) the capital gain income for the taxable year from property held for one year or less included in Part A gross income.

SECTION 19H. Paragraph 1 of subsection (d) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subparagraph:

(L) The deduction allowed by section sixty-two (a)(3) of the Code as it applies to losses from the sale or exchange of capital assets.

SECTION 19I. Section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subsection:

(e) Part C adjusted gross income shall be the Part C gross income comprised of the following classes as adjusted:

(A) Class B net gain which equals the excess of Class B gains over the losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years.

(B) Class B net loss which equals the excess of losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years over the Class B gains.

(C) Class C net gain which equals the excess of Class C gains over the losses from the sale or exchange of capital assets held for more than two years but less than or equal to three years.

(D) Class C net loss which equals the excess of losses from the sale or exchange of capital assets held for more than two years but less than or equal to three years over the Class C gains.

(E) Class D net gain which equals the excess of Class D gains over the losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years.

(F) Class D net loss which equals the excess of losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years over the Class D gains.
(G) Class E net gain which equals the Class E gains over the losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years.

(H) Class E net loss which equals the excess of losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years over the Class E gains.

(I) Class F net gain which equals the Class F gains over the losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years.

(J) Class F net loss which equals the excess of losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years over the Class F gains.

(K) Class G net gain which equals the Class G gains over the losses from the sale or exchange of capital assets held for more than six years.

(L) Class G net loss which equals the excess of losses from the sale or exchange of capital assets held for more than six years over the Class G gains.

For purposes of this subsection, property acquired prior to January 1, 1993 shall be deemed to have been acquired on January 1, 1992 or on the date of actual acquisition, whichever is later.

Any excess net long-term capital loss from property sold or exchanged prior to January 1, 1993 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1993, shall be treated as Class B losses for purposes of paragraphs (A) and (B) of this subsection. Any excess net short-term capital loss from property sold or exchanged prior to January 1, 1993 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1993, shall be treated as losses from the sale or exchange of capital assets held for one year or less for purposes of paragraph (2) of subsection (c).

SECTION 19J. Subsection (e) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 176, the letter '(e)' and inserting in place thereof the letter: — (f).

SECTION 19K. Subsection (f) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 179, the letter '(f)' and inserting in place thereof the letter: — (g).

SECTION 19L. Section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subsection: —

(h) The Part C taxable income shall be the Part C adjusted gross income less the deductions and exemptions allowable under Part C of section three.

SECTION 19M. Section 2 of said chapter 62, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection: —

(i) Massachusetts adjusted gross income shall be the sum of Part A adjusted gross income, Part B adjusted gross income and Part C adjusted gross income.
SECTION 19N. Section 3 of said chapter 62, as so appearing, is hereby amended by adding the following subsection:

C. In determining the Part C taxable income, the Part C adjusted gross income shall be reduced by the following deductions and exemptions:

(a) There shall be deducted from the Part C adjusted gross income in determining the Part C taxable income:

(1) Such net amount of the Part C adjusted gross income of trustees or other fiduciaries subject to taxation under sections nine or ten as is payable to or accumulated for persons not inhabitants of the commonwealth to the extent that such income would not be subject to taxation under section five A if received by a nonresident.

(2) Such net amount of the Part C adjusted gross income of trustees, executors or administrators as is pursuant to the terms of the will, deed or other instrument governing the estate or trust currently payable to or irrevocably set aside for public charitable purposes, or to or for the benefit of any organization or organizations established and operated exclusively for charitable purposes.

(b) An exemption shall be allowed under this section equal to the amount by which the total exemptions allowable under Part B of section three exceed the Part B adjusted gross income less the deductions allowable under paragraph (a) of Part B of section three and the Part A adjusted gross income less the deductions allowable under paragraph (a) of Part A of section three. No exemption shall be allowed hereunder to any married person unless a joint return is filed.

SECTION 190. Section 4 of said chapter 62, as so appearing, is hereby amended by adding the following subsection:

(c) The tax on Part C taxable income shall be equal to the sum of the following:

(1) Class B net gain or net loss multiplied by the rate of five percent;
(2) Class C net gain or net loss multiplied by the rate of four percent;
(3) Class D net gain or net loss multiplied by the rate of three percent;
(4) Class E net gain or net loss multiplied by the rate of two percent;
(5) Class F net gain or net loss multiplied by the rate of one percent;
(6) Class G net gain or net loss multiplied by the rate of zero percent;

If such sum is a negative amount, such negative amount shall be a Part C credit and shall be applied against any Part A tax imposed on any net capital gain as determined under subsection (a) of this section before any credits in section six. If there remains any excess Part C credit after offsetting any such Part A tax, such excess Part C credit shall be carried over without limitation, and in any tax year may first offset any Part C tax as calculated under this
subsection (c) before any credits in section six, with any excess Part C credit applied against any Part A tax imposed on any net capital gain as determined under subsection (a) of this section before any credits in section six. For purposes of this subsection, net capital gain subject to tax under subsection (a) of this section shall be capital gain included in Part A gross income as reduced by any capital losses allowed in paragraph 2 of subsection (c) of section 2.

SECTION 19P. Subsection (a) of section 5 of said chapter 62, as so appearing, is hereby amended by striking out, in line 2, the words ‘income and Part B taxable income’ and inserting in place thereof the following words: — income, Part B taxable income and Part C taxable income.

SECTION 19Q. Subsection (a) of section 5A of said chapter 62, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ‘income and the Part B taxable income’ and inserting in place thereof the following words: — income, the Part B taxable income and the Part C taxable income.

SECTION 19R. Subsection (a) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 14, the words ‘Part A or Part B gross income’ and inserting in place thereof the following words: — Part A, Part B or Part C gross income.

SECTION 19S. Subsection (a) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 15, the words ‘Part A or Part B gross income’ and inserting in place thereof the following words: — Part A, Part B or Part C gross income.

SECTION 19T. Subsection (a) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out, in line 11, the words ‘three A or three B’ and inserting in place thereof the following words: — three A, three B or three C.

SECTION 19U. Subsection (b) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out, in line 32, the words ‘Part A gross income’ and inserting in place thereof the following words: — Part A gross income and Part C gross income.

SECTION 19V. Subsection (g) of section 10 of said chapter 62, as so appearing, is hereby amended by striking out, in line 84, the words ‘income or Part B income’ and inserting in place thereof the following words: — income, Part B or Part C income.

SECTION 19W. Subsection (c) of section 17 of said chapter 62, as so appearing, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following paragraphs:

(1) the offset of Part A losses against interest and dividends provided in paragraph 2 of subsection (c) of section 2; the deduction allowed under paragraph (3) of subsection (c) of section 2; and the credits allowed under subsection (c) of section 4;

(2) the exemptions provided in section five and clauses one, two, three, and four of paragraph (b) of subsection B of section three.

SECTION 19X. Sections 19A through 19X shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-three." — and pending the question on adoption of the further amendment, previously offered by Mr. Lionett of
Worcester, — that the amendment offered by Messrs. Tarr of Gloucester and Palumbo of Newbury be amended by adding at the end thereof the following section:

"SECTION 19Y. Sections 19A to 19X shall apply only to companies operating in economic development zones."

— and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Bosley of North Adams, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill authorizing the Department of Environmental Management to lease certain land and improvements to the New Bedford Harbor development commission (Senate, No. 1737) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Finneran of Boston moved that it be amended by adding at the end thereof the following section:

"SECTION 2. Section 21 of chapter 564 of the acts of 1987 is hereby amended by adding the following paragraph: —

The department of environmental management is hereby authorized to reimburse the New Bedford Harbor development commission, pursuant to a written agreement, a sum not to exceed fifty thousand dollars for the construction of a playground, landscaping, parking and other related upland access and recreational improvements."

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Angelo of Saugus, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: An Act authorizing the Division of Capital Planning and Operations to lease certain land and improvements to the New Bedford Harbor development commission. The bill (Senate, No. 1737, amended) then was sent to the Senate for concurrence in the amendment adopted by the House.

The House Bill providing for the Executive Office of Health and Human Services facility consolidations (House, No. 6302), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Representatives Menard of Somerset, Brewer of Barre and O'Sullivan of Worcester moved, there being no objection, that it be amended by inserting after section 28 (as printed) the following section:

"SECTION 29A. Section 35 of chapter 75 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting at the end thereof the following paragraph: —

The trustees are hereby authorized to acquire, lease, operate or
affiliate with, to the extent said relationship is determined by said trustees to be in the best interests of or to further the educational mission of the medical school or the teaching hospital, satellite clinics, physician offices, ambulatory care centers, mental health programs or facilities, health care facilities, outpatient diagnostic or treatment centers, home health care programs, long term care facilities, rehabilitation facilities, clinical laboratories, fitness centers and similar health care or related programs or facilities, provided that said relationship is given prior approval by the house and senate committees on ways and means and the secretary of the executive office of health and human services, and any other state or local authority, as may be required pursuant to any general or special law."

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 4000-8200, by striking out, in line 8, the words "loan issuing", by striking out, in lines 15 and 16, the words "two hundred and sixty-four of the acts of nineteen hundred and eighty-two" and inserting in place thereof the following: "seven hundred eight of the acts of nineteen hundred sixty-six, as amended, the Massachusetts Community Economic Development Assistance Corporation (CEDAC), a body-politic and corporate entity established by chapter forty H of the General Laws," , by striking out, in lines 29 and 30, the words "of a community-based housing project" and inserting in place thereof the words "the total development costs", by striking out item 5500-9440, by inserting after item 5800-8800 the following item:

"5800-9000 For the installation of a sewer line at Foxboro Campus ........................................ 450,000",

in item 5500-9100 by striking out, in lines 1 and 2, the words "site utility improvement, an addition to the Chambers Building", in item 5500-9250 by inserting after the word "plant", in line 1, the words "service, and maintenance buildings", by striking out items 5500-9300 and 5500-9310, and by striking out the text contained in item 5800-8120 and inserting in place thereof the following:

"For replacement or renovations to the power plant, the distribution system and the utility system at the Fernald State School"; and in section 6 by striking out, in lines 5 and 6, the words "two hundred ten million seven hundred forty thousand seven hundred fifty-five dollars" and inserting in place thereof the words "two hundred nine million five hundred forty thousand seven hundred fifty-five dollars".

The amendments were adopted.

Mr. Landers of Palmer then moved that the bill be amended in section 2 by inserting before item 5800-9000 (inserted by amendment) the following item:
The amendment was adopted.

The bill (House, No. 6302, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

The motion of Mr. Businger of Brookline, that the committee on Ways and Means be discharged from further consideration of the House Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) was considered.

Pending the question on the motion to discharge the committee, further consideration thereof was postponed, on motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill prohibiting bullfighting (Senate, No. 962) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on concurring with the Senate in the amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until after disposition of the remaining matters in the Orders of the Day.

The Senate Bill relative to amateur boxing in the Commonwealth (Senate, No. 1735) was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, — that the bill be amended in section 1 by inserting after the word "national", in line 6, the words "amateur boxing", — and the main question on ordering the bill to a third reading, the subject-matter was recommitted to said committee, on motion of Mr. Serra of Boston.

The House Bill to establish a department of finance in the town of Brookline (House, No. 6256) was read a second time.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Local Affairs, on motion of Mr. Rushing of Boston.

The Senate Bill relative to protecting the confidentiality of victims of rape (Senate, No. 851) was read a second time.

Pending the question on ordering the bill to a third reading, it
was recommitted to the committee on the Judiciary, on motion of Mr. DiMasi of Boston.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Honan of Boston, the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order.

The Senate Bill relative to increasing housing inspection staff (Senate, No. 517) was passed to be engrossed, in concurrence.

The Senate Bill relative to the insolvency fund for workers' compensation benefits (Senate, No. 1588, amended) was considered. Pending the question on passing the bill to be engrossed, in concurrence, further consideration thereof was postponed, on motion of Ms. Bump of Braintree, until the hour of two o'clock P.M.

Subsequently the bill was considered further, pending which Mr. Magnani of Framingham moved that it be amended by adding at the end thereof the following section:

"SECTION 4. Chapter 152 of the General Laws is hereby amended by striking out paragraph (2)(b) of section 25A, as so appearing, and inserting in place thereof the following paragraph: —

By furnishing annually a bond running to the commonwealth, with some surety company authorized to transact business in the commonwealth as surety, in such form as may be approved by the department and in such amount not less than twenty thousand dollars as may be required by the department, said bond, however, to be upon the condition that if the license of the principal shall be revoked or if the principal shall cease to transact business in the commonwealth or if the department shall refuse to renew the license or if the principal shall insure with an insurer, the principal shall upon demand deposit with the state treasurer an amount of securities equal to the penal sum of the bond or a single premium non-cancellable policy issued by some insurance company authorized to transact the business of workmen's compensation insurance in this commonwealth, insuring him against any liability that may have arisen under this chapter or a bond executed as surety by some company authorized to transact the business aforesaid in this commonwealth, in an amount and form approved by the department, guaranteeing the payment of any liability on his part that may have arisen under this chapter. The department shall, at least semiannually, determine the liabilities of a self-insurer both incurred or to be incurred because of personal injuries to employees under this chapter. The department may at any time require an additional bond, similarly conditioned, or further security or permit a decrease in the amount of said bond provided the amount of the bond or the bonds in no case shall be less than twenty thousand dollars. The liability of the surety shall not exceed in the aggregate the penal sum or sums stated in any such annual bond or bonds
or in any endorsements giving effect to any such increase or
reduction. The department may permit a substitution of a new bond
or bonds for the bond or bonds which have been furnished and shall
return the old bond or bonds to the self-insurer as soon as a new
annual bond has been obtained.”.

The amendment was adopted.

Mrs. McKenna of Holden then moved that the bill be amended
in section 2 by striking out, in line 8, the words “residence of the
claimant” and inserting in place thereof the words “jurisdiction of
the claimant’s contract of hire”; and the amendment was adopted.

The bill (Senate, No. 1588, amended) then was passed to be
engrossed. Sent to the Senate for concurrence in the amendments
adopted by the House.

The House Bill relating to the off duty privacy of employees
(House, No. 3857, changed) was read a second time.

Pending the question on ordering the bill to a third reading,
further consideration thereof was postponed, on motion of
Ms. Bump of Braintree, until the hour of two o’clock P.M.

Subsequently the bill was considered further, pending which,
further consideration thereof was again postponed, on motion of
Mr. Cox of Lowell, until after disposition of the remaining matters
in the Orders of the Day.

The House Bill modifying the appeal process for water and sewer
charges (House, No. 6312); and

The Senate Bill clarifying the powers of housing receivers (Senate,
No. 705);

Severally were read a second time; and they were ordered to a
third reading.

The House Bill further regulating the deferred compensation
program for public employees in the Commonwealth, and further
regulating the procurement of goods and services by the
Commonwealth’s constitutional officers (House, No. 4168) was read
a second time.

The amendment previously recommended by the committee on
Ways and Means, — that the bill be amended by substitution of a
bill with the same title (House, No. 6319), — was adopted.

After debate on the question on ordering the substituted bill to
a third reading (Mrs. Menard of Somerset being in the Chair), the
sense of the House was taken by yeas and nays, at the request of
Mr. Blanchette of Lawrence; and on the roll call (the Speaker being
in the Chair) 105 members voted in the affirmative and 34 in the
negative.

[See Yea and Nay No. 348 in Supplement.]

Therefore the bill (House, No. 6319) was ordered to a third
reading.
At eight minutes past two o'clock P.M., pursuant to assignment, the two Houses met in

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and were called to order by the Honorable Walter J. Boverini, Majority Leader of the Senate.

The Proposal for a Legislative Amendment to the Constitution providing for separation of church and state (see Senate, No. 48), — was considered, the main question being on agreeing to the amendment.

The motion, previously moved by Mr. White of Boston, that the Joint Session reconsider the vote by which, at the previous session, it had adopted an amendment (offered by Mr. Cohen of Newton) to the proposal inserting after the word “religion”, in line 7, the words “; provided, however, that no grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any primary or secondary school or any institution of higher education which is not publicly owned and under the exclusive control, order, and supervision of public officers or public agents authorized by the commonwealth or federal authorities or both. Nothing herein contained shall be construed to prevent the commonwealth from making grants-in-aid to private higher educational institutions or to students or parents or guardians of students attending such institutions.”, was considered.

After debate, the motion to reconsider the adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past two o'clock P.M., on motion of Mr. Lionett of Worcester, as follows, to wit (yeas 112 — nays 68):

YEAS (112).

Senators.

Amorello, Matthew J.  Lees, Brian P.
Antonioni, Robert A.  Locke, David H.
Berry, Frederick E.  LoPresti, Michael, Jr.
Bertonazzi, Louis P.  MacLean, William Q., Jr.
Boverini, Walter J.  McGovern, Patricia
Buell, Robert C.  Melconian, Linda J.
Bulger, William M.  Norton, Thomas C.
Burke, Edward L.  Owens, Bill
Creedon, Michael C.  Rauschenbach, Henri S.
Dunn, Martin J.  Shannon, Charles E.
Havern, Robert A.  Sullivan, Nancy Achin
Hedlund, Robert L.  Swift, Jane M.
Jajuga, James P.  Tisei, Richard R.
Keating, William R.  Wall, Erving H., Jr.
Kirby, Edward P.  Wetmore, Robert D.
Lane, Christopher M.  White, W. Paul — 32.
Reconsideration prevails,—yea and nay No. 349.

Representatives.

Blanchette, Kevin P.
Brett, James T.
Buell, Carmen D.
Cangiamila, Bronin M.
Casey, Paul C.
Cass, William F.
Ciampa, Vincent P.
Clancy, Edward J., Jr.
Clark, Forrester A., Jr.
Collaro, Andrew
Connolly, Edward G.
Constantino, William, Jr.
Coon, Gary M.
Correia, Robert
Cox, John F.
Cruz, John F.
Decas, Charles N.
DeFilippi, Walter A.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Driscoll, John R.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Forman, Peter
Galvin, William C.
Gannon, Paul J.
Gately, David F.
Giglio, Anthony P.
Goguen, Emile J.
Haley, Paul R.
Henry, James R.
Hermann, Joseph N.
Herren, Albert
Hodgkins, Christopher J.
Hornblower, Augusta A.
Howarth, Robert L.
Kelly, Shaun P.
Kennedy, Thomas P.
Knapik, Michael R.

Koczera, Robert M.
Kraus, Robert
Landers, Patrick F., III
Larkin, Peter J.
LeLacheur, Edward A.
Lewis, Jacqueline
Magnani, David P.
Mandile, Anthony M.
Mann, Charles W.
Manning, M. Joseph
Mara, Francis G.
McIntyre, Joseph B.
McKenna, Mary Jane
Miceli, James R.
Moore, Richard T.
Morrissey, Michael W.
Murray, Mary Jeanette
Nagle, William P., Jr.
O'Brien, Shannon P.
Pacheco, Marc R.
Palumbo, Thomas G.
Parente, Marie J.
Peters, David M.
Petrolati, Thomas M.
Poirier, Kevin
Ranieri, Daniel J.
Reinstein, William G.
Rohan, Robert J.
Rourke, Susan F.
Ruane, J. Michael
Scaccia, Angelo M.
Seibelli, Anthony M.
Serra, Emanuel G.
Sullivan, Michael J.
Teague, Edward B., III
Tobin, A. Stephen
Voke, Richard A.
Wagner, Joseph F.
Walsh, Marian
Walsh, Michael P. — 80.

NAYS (68).

Senators.

Barrett, Michael J.
Chase, Arthur E.
Hicks, Lucile P.

Pines, Lois G.
Rosenberg, Stanley C. — 5.

Representatives.

Binienda, John J.
Bosley, Daniel E.
Brenton, Marianne
Brewer, Stephen M.
Businger, John A.

Cabral, Antonio F. D.
Cahir, Thomas S.
Caron, Paul E.
Cleven, Carol C.
Cohen, David B.
The yeas and nays, having been completed at twenty minutes before three o'clock P.M., the motion to reconsider prevailed.

After further debate, the recurring question on adoption of the amendment (previously offered by Mr. Cohen) was determined by a call of the yeas and nays, at four minutes past five o'clock P.M., on motion of Mr. Cohen, as follows, to wit (yeas 88 — nays 93):

**YEAS (88).**

**Senators.**

Barrett, Michael J.
Buell, Robert C.
Chase, Arthur E.
Haven, Robert A.
Hicks, Lucile P.
Keating, William R.
Amendment to Proposal rejected,—yea and nay No. 350.

Representatives.

Owens, Bill
Pines, Lois G.

Binienda, John J.
Bosley, Daniel E.
Brenton, Marianne
Brewer, Stephen M.
Bump, Suzanne M.
Businger, John A.
Cabral, Antonio F. D.
Cahir, Thomas S.
Caron, Paul E.
Ciampa, Vincent P.
Clark, Forrester A., Jr.
Cleven, Carol C.
Cohen, David B.
Donovan, Carol A.
Doran, Stephen W.
Draisen, Marc D.
Evans, Nancy H.
Flaherty, Charles F.
Foxx, Gloria L.
Gardner, Barbara E.
Gibson, Mary Jane
Glodis, William J., Jr.
Gray, Barbara E.
Hall, Geoffrey D.
Harkins, Lida E.
Hawke, Robert D.
Hayward, Jeffery J.
Healy, Jonathan L.
Henry, James R.
Hildt, Barbara
Honan, Kevin G.
Hyland, Barbara C.
Hynes, Frank M.
Jehlen, Patricia D.
Jordan, Raymond A., Jr.
Kafka, Louis L.
Karol, Stephen J.
Kehoe, Marie-Louise
Kerans, Sally P.

Klimm, John C.
Kolios, Paul
Krekorian, Robert C.
Lambert, Edward M., Jr.
Landers, Patrick E., III
Lawless, Robert C.
Lionetti, David J.
Mariano, Ronald
Marzilli, J. James, Jr.
McDonough, John E.
Menard, Joan M.
Nagle, William P., Jr.
O'Brien, Janet W.
O'Sullivan, Kevin
Owens-Hicks, Shirley
Pacheco, Marc R.
Palumbo, Thomas G.
Petersen, Douglas W.
Petrolati, Thomas M.
Ranieri, Daniel J.
Reinstein, William G.
Resor, Pamela P.
Rogeness, Mary S.
Roosevelt, Mark
Rushing, Byron
Schur, Susan D.
Stoddard, Douglas W.
Story, Ellen
Sullivan, Michael J.
Tarr, Bruce E.
Tolman, Warren E.
Tracy, Susan M.
Travis, Philip
Turkington, Eric
Valiante, Daniel J.
Vellucci, Peter A.
Wagner, Joseph F.
Walrath, Patricia A. — 78.

NAYS (93).

Senators.

Amorello, Matthew J.
Antonioni, Robert A.
Berry, Frederick E.
Bertonazzi, Louis P.
Bowerini, Walter J.
Burger, William M.
Burke, Edward L.

Creedon, Michael C.
Dunn, Martin J.
Harold, Paul D.
Hedlund, Robert L.
Jajuga, James P.
Kirby, Edward P.
Lane, Christopher M.

Lees, Brian P.
Locke, David H.
LoPresti, Michael, Jr.
MacLean, William Q., Jr.
McGovern, Patricia
Melconian, Linda J.
Norton, Thomas C.
Rauschenbach, Henri S.
Sullivan, Nancy Achin
Swift, Jane M.
Tisei, Richard R.
Wall, Eving H., Jr.
Wetmore, Robert D.
White, W. Paul — 28.

Representatives.
Blanchette, Kevin P.
Brett, James T.
Buell, Carmen D.
Cangiamila, Brion M.
Casey, Paul C.
Cass, William F.
Clancy, Edward J., Jr.
Collaro, Andrew
Connolly, Edward G.
Constantino, William, Jr.
Coon, Gary M.
Correia, Robert
Cox, John F.
Cruz, John F.
Decas, Charles N.
DeFilippi, Walter A.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Driscoll, John R.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Forman, Peter
Galvin, William C.
Gannon, Paul J.
Gately, David F.
Giglio, Anthony P.
Goguen, Emile J.
Haley, Paul R.
Hermann, Joseph N.
Herren, Albert
Hodgkins, Christopher J.
Hornblower, Augusta
Howarth, Robert L.
Kelly, Shaun P.
Kennedy, Thomas P.
Knapik, Michael R.
LeLacheur, Edward A.
Lewis, Jacqueline
Magnani, David P.
Mandile, Anthony M.
Mann, Charles W.
Manning, M. Joseph
Mara, Francis G.
McIntyre, Joseph B.
McKenna, Mary Jane
Miceli, James R.
Moore, Richard T.
Morrissey, Michael W.
Murray, Mary Jeanette
O'Brien, Shannon P.
Parente, Marie J.
Peters, David M.
Porier, Kevin
Rohan, Robert J.
Rourke, Susan F.
Ruane, J. Michael
Scaccia, Angelo M.
Scibelli, Anthony M.
Serra, Emanuel G.
Teague, Edward B., III
Tobin, A. Stephen
Voce, Richard A.
Walsh, Marian
Walsh, Michael P. — 65.

Absent or Not Voting (12).

Senators.

Birmingham, Thomas F. — 2.

Representatives.

Angelo, Steven
Blute, Peter I.
Catjakis, Athan
Gonsalves, Leonard
Koczera, Robert M.
Kraus, Robert
McNeil, John C.
Merced, Nelson
Thompson, Alvin E.
Walsh, Thomas P. — 10.
The yeas and nays having been completed at seventeen minutes past five o’clock P.M., the amendment was rejected.

The question on agreeing to the amendment was then considered. The Proposal was as follows:

Proposal for a Legislative Amendment to the Constitution providing for separation of church and state.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article XLVI of the Articles of Amendment to the Constitution of the Commonwealth, as amended by Article CIII of the said Articles of Amendment, is hereby further amended by striking out sections 2 and 3 and inserting in place thereof the following section:

Section 2. The General Court shall make no law respecting an establishment of religion.

The question on agreeing to the amendment was determined by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at eighteen minutes past five o’clock P.M., as follows, to wit (yeas 103 — nays 80):

YEAS (103).

Senators.

Amorello, Matthew J.
Antonioni, Robert A.
Barrett, Michael J.
Berry, Frederick E.
Bertonazzi, Louis P.
Boverini, Walter J.
Bulger, William M.
Burke, Edward L.
Creedon, Michael C.
Dunn, Martin J.
Harold, Paul D.
Havern, Robert A.
Hedlund, Robert L.
Jajuga, James P.
Kirby, Edward P.

Representatives.

Blanchette, Kevin P.
Brett, James T.
Buell, Carmen D.
Bump, Suzanne M.

Amendment agreed to, —

yea and nay

No. 351.

Lane, Christopher M.
Lees, Brian P.
Locke, David H.
LoPresti, Michael, Jr.
MacLean, William Q., Jr.
McGovern, Patricia
Meleconian, Linda J.
Norton, Thomas C.
Rauschenbach, Henri S.
Sullivan, Nancy Achin
Swift, Jane M.
Tisei, Richard R.
Wall, Erving H., Jr.
Wetmore, Robert D.
White, W. Paul — 30.

Cangiamila, Brion M.
Casey, Paul E.
Cass, William F.
Clancy, Edward J., Jr.

Nays (80).

Senators.

Buell, Robert C.
Chase, Arthur E.
Hicks, Lucile P.
Keating, William R.

Representatives.

Angelo, Steven
Binienda, John J.
Bosley, Daniel E.
Brenton, Marianne
Brewer, Stephen M.
Businger, John A.
Cabral, Antonio F. D.
Cahit, Thomas S.
Caron, Paul E.
Ciampa, Vincent P.
Clark, Forrester A., Jr.
Cleven, Carol C.

Cohen, David B.
Donovan, Carol A.
Doran, Stephen W.
Draisen, Marc D.
Evans, Nancy H.
Flaherty, Charles F.
Fox, Gloria L.
Gardner, Barbara
Gibson, Mary Jane
Gloidis, William J., Jr.
Gray, Barbara E.
Hall, Geoffrey D.
Constitution,—

separation of church and state.

O'Brien, Janet W.
O'Sullivan, Kevin
Owens-Hicks, Shirley
Pacheco, Marc R.
Petersen, Douglas W.
Petrolati, Thomas M.
Ranieri, Daniel J.
Resor, Pamela P.
Rogers, Mary S.
Roosevelt, Mark
Rushing, Byron
Schur, Susan D.
Stoddart, Douglas W.
Story, Ellen
Tarr, Bruce E.
Tolman, Warren E.
Tracy, Susan M.
Travis, Philip
Turkington, Eric
Valianti, Daniel J.
Vellucci, Peter A.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Michael P. — 72.

ABSENT OR NOT VOTING (10).

Senators.


Representatives.

Blute, Peter I.
Catjakis, Athan
Gonsalves, Leonard
Kraus, Robert
MeNeil, John C.
Merce, Nelson
Thompson, Alvin E.
Walsh, Thomas P. — 8.

The President in the Chair, the yeas and nays having been completed at twenty-seven minutes past five o'clock P.M., the amendment was agreed to, a majority of all the members elected having voted in the affirmative.

In accordance with the requirements of the Constitution, the amendment was then referred to the next General Court.

At twenty-eight minutes past five o'clock P.M., Mr. Boverini moved that the Joint Session stand in recess; and this motion prevailed.

At twenty-nine minutes past five o'clock P.M., the President recognized Mr. Locke of Wellesley, who then addressed the Joint Session and paid tribute to the late John F. Parker, former Minority Leader of the Massachusetts Senate and a State Senator from 1953-1988.
Statement of Senator David H. Locke.

Mr. President:

I appeared here earlier, and I indicated that it would be my last public appearance before this convention, and I want to abide by that. Circumstances, however, Mr. President, have required me to make a very sad announcement to this convention, and for the many who knew him. I now announce with sympathy and with regret the passing of our former colleague, the very distinguished Minority Leader of the Massachusetts Senate for many, many years — the late Senator John F. Parker. Mr. President, Senator Parker died this morning. And those of us who knew him obviously regret it, and some who only knew of him will learn to regret it.

Senator Parker served in the Massachusetts Senate for thirty-six years, perhaps a record never equalled in Massachusetts history. When I came to the Senate he was then the Minority Leader. I served for a single term, and he did me the honor of appointing me as his First Assistant, and that is a role that I filled for some eighteen years. Finally, when he completed his tenure, he had served as Minority Leader for the Massachusetts Senate for twenty-two years. Again, I believe a record never equalled in the history of the Commonwealth. I merely want to note his passing and to try to indicate to the joint convention, and I do it here in the convention, because he served for so many years and so many conventions and made such an enormous contribution as a distinguished member of the Massachusetts Senate.

Those who knew him recognized that although he was a fierce partisan in his chosen political party, he was respected and admired, and I think I can safely say loved by those in both political parties. Partisan politics knows no limits when we take the measure of a colleague who serves among us. And so fierce a partisan as he was, he always respected the views of those who opposed him. He was a brilliant debater and one of the last of the great orators that we have seen perhaps on the political scene in Massachusetts. A raconteur, an author, a man of great humor, self-deprecating qualities always permitting himself to laugh at himself, to laugh with others, but not to laugh at them. I want to say as one who had the honor to serve under him for so long a period of time that I view it as one of the single great events of my life to have been able to serve as his assistant. I have seen a lot of men and women come and go in my time here in the Legislature, and I think I can safely say none will exceed in so many dimensions the accomplishments, the abilities, the skills, and the dedication and commitment of Senator Parker. He was not a lawyer, but he knew more law than most of us who had been admitted to the Bar. I used to say to him so often after debate on a complicated piece of legislation that would tax the skills of a Philadelphia lawyer, I would say to him, "John, you ought to be admitted to the Bar on motion. You have a better grasp of the law, a keener knowledge of the statutes than almost anyone here."

He could debate on any subject. He used to tell with some humor of his two greatest debates. One was given on one day in opposition...
Senator David H. Locke,—

statement.

Ordered printed.

to the sales tax. That was his second best speech. His very best speech was given the next day on the other side of the same issue. He had been to see the Governor, and he got religion. But that's only an indication of the skill of this comrade, that those of us who knew and loved him saw in him. I don't know of a legislator in all my experience that worked harder than he did. And, frankly, I have to say as a younger man than him and serving as his assistant so many of those awesome night sessions, I remember my days in the House, and I know you have them here although you finally came to your senses and put a curfew on night sessions. We never did that in the Senate. And I am not going to give now, but some of my colleagues in the Senate remember my raccoon and night crawler speeches about the antics of the Massachusetts Senate. But what I do want to say is that there never was a night session that Senator Parker wasn't there on the floor all night long at an age when most had accepted, and gratefully accepted the rewards of retirement. He was there. He studied every single bill. He did his homework prodigiously. He was an awesome debater, a fierce competitor, a committed public servant who served his community on its school committee, as its mayor, and then for more than a third of a century he represented his district so capably in the Massachusetts Senate. So I sadly bring to my colleagues the news of his passing. From a personal standpoint I will lament and mourn the passing of one that I had the honor to call a colleague, a mentor, coach, and I guess better than anything else, a very dear friend.

On motion of Mr. Boverini, the above statement was ordered printed in the Journal of the Joint Session.

Mr. Locke moved that when the Joint Session adjourns, it adjourn in memory of former Senate Minority Leader John F. Parker; and this motion prevailed.

At twenty-five minutes before six o'clock P.M., as a mark of respect to the memory of the late John F. Parker, on motion of Mr. Lees, without taking further action on the matters duly and constitutionally assigned, the joint session was adjourned, and the Senate returned to its Chamber under the escort of the Sergeant-at-Arms.

Orders of the Day.

The House Bill relative to restoring solvency to the Unemployment Compensation Fund (House, No. 6258) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 6230), — was considered.

Pending the question on adoption of the amendment, Mr. Forman of Plymouth moved that the proposed substitute bill be amended
by striking out all after the enacting clause and inserting in place thereof the following:

"The first paragraph of section 30 of chapter 26 of the acts of 1992 is hereby amended by adding the following sentence: —

Said special commission shall also make an investigation and study relative to restoring solvency to the unemployment compensation trust fund through bonding."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 35 members voted in the affirmative and 108 in the negative.

[See Yea and Nay No. 352 in Supplement.]

Therefore the further amendment was rejected.

There being no objection. — Representatives Bosley of North Adams and Bump of Braintree moved that the proposed substitute bill be amended by adding at the end thereof the following section:

"SECTION 9. Clause (a) of section 1 of chapter 151A of the General Laws, as most recently amended by section 6 of chapter 26 of the acts of 1992, is hereby further amended by striking out, in line 1, the term 'January first' and inserting in place thereof the term: — October third."

The further amendment was adopted.

Mr. Constantino of Clinton then moved that the proposed substitute bill be amended by adding at the end thereof the following section:

"SECTION 10. There shall be established a special committee to study the ethical effects of the implementation of this legislation to see if it would lead to waste, fraud, or abuse. The special committee shall be made up of the chairman of the ethics committee, or his designee, the inspector general or his designee, the attorney general or his designee, the treasurer of the commonwealth or his designee, and the state auditor or his designee. This special committee shall make a report by June thirtieth, nineteen hundred and ninety-three, said report to be filed with the clerk of the senate and the clerk of the house of representatives."

The further amendment was adopted.

Mr. Sullivan of Abington then moved that the proposed bill be amended in section 6 by adding at the end thereof the following paragraph:

"(e) No series of bonds may be issued pursuant to paragraph (a) until (i) the secretary has provided to the governor a detailed analysis demonstrating substantial net present value financial savings to the unemployment compensation fund over the life of such series of bonds arising by reason of the sale of such series of bonds, and (ii) the agreement has been obtained from one or more parties, having ratings issued by a nationally recognized rating agency at least as high as those of the Commonwealth, guaranteeing the achievement by the unemployment compensation fund of actual savings at times no later than and in amounts no less than those
set forth in the analysis described in clause (i). Such analysis shall take into account all costs reasonably anticipated to occur by reason of the transactions contemplated, shall be based upon the assumption that the balance in the unemployment compensation fund upon the final maturity of any such series of bonds shall be in the same amount as if such series of bonds were never issued, and otherwise shall be based only upon such realistically achievable financial assumptions as may be approved by the governor. In calculating the net present value of savings the discount rate shall be the estimated true interest cost of such series of bonds provided by the secretary.”.

The further amendment was adopted.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title, as amended, — then also was adopted.

The substituted bill (House, No. 6320, amended) then was ordered to a third reading.

The House Bill establishing an alternative optional retirement program for faculty members of public institutions of higher education (House, No. 6263) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a Bill establishing an alternative optional retirement program for faculty members, chancellors and presidents of public institutions of higher education (House, No. 6316), — was adopted.

The substituted bill then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Blanchette of Lawrence, the bill was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 1 by inserting after the word “program”, in line 68, the words “which is a life insurance company”; by inserting after the word “jurisdictions”, in line 74, the words “where required by law”; by inserting after the word “thirty-two”, in line 201, the words “as long as such assignment does not violate the restrictions of the Internal Revenue Code”; by striking out in lines 85 to 94, inclusive, the words “joint committee on public service, provided, however, that if said public service committee has taken no final action to disapprove any regulations within thirty days of its being filed with said public service committee, provided that the general court is in session, such regulations shall be deemed approved; and provided, further, that if said public service committee disapproves any such regulation within such thirty days, said committee shall amend such regulations, and file such amended regulations with said public service committee for approval” and inserting in place thereof the following: “general court. The optional retirement committee shall file the proposed regulation, amendment or repeal with the clerk of
the house of representatives, who shall refer such regulations to the joint committee on public service. Within thirty days after such referral, the committee on public service may hold a public hearing on the regulations and shall issue a report to the optional retirement committee. Said report shall contain any proposed changes to the regulations voted upon by the public service committee. The optional retirement committee shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of the public service committee its final regulations. If the final regulations do not contain the changes proposed by the public service committee, the optional retirement committee shall send a letter to the public service committee accompanying the final regulations stating the reasons why such proposed changes were not adopted. Not earlier than forty-five days after the filing of such letter and final regulations with the public service committee, the optional retirement committee shall file the final regulations with the state secretary as provided in section five of said chapter thirty-A and said regulations shall have an immediate take effect.

If no such proposed changes to the regulations are made to the optional retirement committee within sixty days of the initial filing of the proposed regulation or any amendment or a repeal of such regulation with the clerk of the house of representatives, the optional retirement committee may file the final regulations with the state secretary as provided in section five of said chapter thirty-A and said regulations shall thereupon take effect.

The amendments were adopted; and the bill (House, No. 6316, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill relative to proceedings involving children in need of care and protection (see House, No. 6304) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage. Pending the question on passing the bill to be enacted, further consideration thereof was postponed, on motion of Mrs. Parente of Milford, until the next sitting and specially assigned to the hour of one o'clock P.M.

Order.

On motion of Mr. Serra of Boston, —

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.
Mr. DiMasi of Boston then moved that as a mark of respect to the memory of George J. Leary, a member of the House from Boston from 1937 to 1940, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at nineteen minutes before seven o'clock P.M. (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.
Tuesday, December 22, 1992.

Met according to adjournment, at eleven o'clock A.M., with Mrs. Menard of Somerset in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we pause for this moment to reflect on Your presence in our lives. In Your goodness, enlighten our intellects and strengthen our wills to serve both You and our constituents conscientiously. During this wonderful season of lights and gift-giving may our eyes be open to the good will and good intentions of neighbors and constituents. Let our hearts and minds be filled with hope in the future of the people and our communities. May we join together in addressing and resolving the complex issues of our pluralistic society. Help us to grow in respect for the dignity, rights and value of each person.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mrs. Menard), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to amending the procedures for noncriminal disposition of non-motor vehicle offenses (House, No. 6335) was filed in the office of the Clerk on Monday, December 21.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs. Sent to the Senate for concurrence.

Statement of Representative Thompson of Cambridge.

During consideration of the Orders of the Day, Mr. Thompson of Cambridge asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of yesterday's sitting due to a previously scheduled medical examination. Any roll calls that I missed yesterday was due entirely to the reason stated.

Mr. Thompson then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.
Appointments to a Commission and a Committee.

The Speaker announced the appointment of Representatives Bosley of North Adams, Cabral of New Bedford, Tracy of Boston, Brewer of Barre and Sullivan of Abington the special commission established (under Section 30 of Chapter 26 of the Acts of 1992) to make an investigation and study relative to improving the equity and efficiency of the unemployment system; and

The Speaker also announced the appointment of Mr. Marvin Gilmore of Cambridge, Ms. Doris Bunte of Boston and Mr. Frank Ware, Jr., of Springfield to the Advisory Committee for the Urban Initiative Fund established (under Section 137 of Chapter 133 of the Acts of 1992) for the purpose of ensuring the orderly and proper disbursement of loans and grants for inner-city neighborhoods from said fund.

Papers from the Senate.

The House Order relative to the appointment of a joint special committee to make an investigation and study of a new division of the Commonwealth into one hundred and sixty Representative districts, forty Senatorial districts and eight Executive Councillor districts (House, No. 6265) came from the Senate adopted, in concurrence, with the following amendment:

Inserting after the word “Senate”, in line 2, the words “, two of whom shall be members of the minority party.”

Under suspension of Rule 35, on motion of Mr. Brett of Boston, the amendment was considered forthwith, and it was adopted, in concurrence.

The Senate Bill authorizing the Division of Capital Planning and Operations to lease certain land and improvements to the New Bedford Harbor development commission (Senate, No. 1737, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment, with a further amendment by striking out the title and inserting in place thereof the following title: “An Act authorizing the Department of Environmental Management to lease certain land and improvements to the New Bedford Harbor development commission.”

Under suspension of Rule 35, on motion of Mr. Cox of Lowell, the amendment was considered forthwith.

The committee on Bills in the Third Reading then reported that the House non-concur with the Senate in its amendment; and the report was accepted.

The House then non-concurred with the Senate in its amendment; and the bill was returned to that branch endorsed accordingly.

A petition of Linda J. Melconian for legislation to extend the limitation of tort liability to volunteers of charitable corporations, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

The House then concurred with the Senate in the suspension of
said rule; and the petition (accompanied by bill, Senate, No. 1787) was referred, in concurrence, to the committee on the Judiciary.

Reports of Committees.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the recommitted Bill relative to amateur boxing in the Commonwealth (Senate, No. 1735) ought to pass with an amendment inserting at the end thereof the following section:

"SECTION 2. The provisions of this act shall take effect upon passage and shall expire December thirty-first, nineteen hundred and ninety-three."

Under suspension of the rules, on motion of Mr. Finneran, the bill was considered forthwith.

The amendment previously recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Caron of Springfield, the bill was read a third time forthwith; and it was passed to be engrossed. Mr. Caron moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (Senate, No. 1735, amended) then was sent to the Senate for concurrence in the amendment adopted by the House.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill establishing school based nutrition and childhood hunger relief programs (House, No. 4842) ought to pass with an amendment in section 3 by striking out the paragraph contained in lines 91 to 96, inclusive, and inserting in place thereof the following paragraph:

"Section 6. The provisions of this chapter shall not constitute an entitlement to services in excess of the funds available therefor nor shall failure to comply with the provisions of this chapter constitute a cause of action against the commonwealth.", and by adding at the end thereof the following section:

"SECTION 4. The provisions of this act shall not constitute an entitlement to services in excess of the funds available therefor nor shall failure to comply with the provisions of this act constitute a cause of action against the commonwealth.".

Under suspension of Rule 41, on motion of Mr. Finneran, the bill was read a second time.

The amendments previously recommended by the committee on Ways and Means then were adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Roosevelt of Boston, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Roosevelt moved that it be amended by substitution of a bill with the same title (House, No. 6336), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. The same member moved that this vote be
reconsidered; and the motion to reconsider was negatived. Sent to the Senate for concurrence.

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill facilitating the financing and development of a new criminal detention facility and boot camp in Berkshire County (House, No. 6311) [Representatives Lewis of Bridgewater and Brenton of Burlington dissenting]. Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, No. 6251, a Bill relative to the repair and reconstruction of the Boston Common Garage (House, No. 6334). Read; and referred, under Rule 33, to the committee on Ways and Means.

**Engrossed Bills.**

The Speaker being in the Chair, —

Engrossed bills
Relative to increasing housing inspection staff (see Senate, No. 517); and

Relative to certain powers of the Department of Public Utilities (see Senate, No. 1671, amended);
(Which severally originated in the Senate);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

**Engrossed Bill — Land Taking.**

Mr. Serra of Boston being in the Chair, — the engrossed Bill providing for the development of educational related research and biotechnology in the Commonwealth (see Senate, No. 1645, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call 127 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 353 in Supplement.]
Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

**Orders of the Day.**

The Speaker being in the Chair, —

Senate bills
Relative to patient rights (Senate, No. 105);
Providing that certain teachers shall be credited with service to nonpublic schools (Senate, No. 1582);
Relative to group insurance in the town of Bellingham (Senate, No. 1727) (its title having been changed by the committee on Bills in the Third Reading); and
Relative to quarterly taxes in cities and towns (Senate, No. 1754, changed);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills
Providing for recall elections in the town of Warwick (House, No. 5988);
Establishing the United States Naval shipbuilding museum corporation (House, No. 6032);
Providing tenure of office for Timothy P. Ryan as chief of the police department in the town of Millville (House, No. 6245);
Exempting the position of chief of police in the city known as the town of Watertown from the provisions of the civil service law (House, No. 6278) (its title having been changed by the committee on Bills in the Third Reading); and
Establishing a funding schedule for the retirement system of the city of Pittsfield (House, No. 6318) (its title having been changed by the committee on Bills in the Third Reading);
Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill to include AIDS HIV prevention education in the health education curriculum of the public schools (House, No. 2800, amended) was read a third time.
The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.
The bill then was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill further regulating the deferred compensation program for public employees in the Commonwealth, and further regulating the procurement of goods and services by the Commonwealth's constitutional officers (House, No. 6319) was read a third time.
The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.
The bill then was passed to be engrossed. Mr. Blanchette of Lawrence then moved that this vote be reconsidered; and the motion to reconsider was negatived. Sent to the Senate for concurrence.

The House Bill relative to the taxing of certain mobile homes (House, No. 1035) was read a third time.

Third reading bill rejected.
The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

The House then refused to pass the bill to be engrossed.

The House Bill authorizing the licensing authority of the city of Pittsfield to issue a license for the sale of all alcoholic beverages not to be drunk on the premises to Cozzi, Inc. d/b/a Rufo's Variety (House, No. 6279) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Kelly of Dalton, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: An Act authorizing the licensing authority of the city of Pittsfield to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Cozzi, Inc. d/b/a Rufo's Variety. Sent to the Senate for concurrence.

The House Bill authorizing the licensing authority of the city of Pittsfield to issue a license for the sale of all alcoholic beverages to be drunk on the premises to Truffles & Such, Inc. (House, No. 6280) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Kelly of Dalton, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: An Act authorizing the licensing authority of the city of Pittsfield to issue a license for the sale of all alcoholic beverages to be drunk on the premises to Truffles and Such, Inc. Sent to the Senate for concurrence.

The House Bill furthering the establishment of a transportation center and multi-purpose arena (House, No. 6332) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. Mr. Karol of Attleboro moved that this vote be reconsidered; and the motion to reconsider was negatived. Sent to the Senate for concurrence.

The Senate Bill authorizing that the exchange of certain parcels of land in the town of Norfolk between the conservation commission and the board of selectmen of said town (Senate, No. 1755, changed); and House bills Relative to the liability of certain charitable organizations (House, No. 6330); and Relative to municipal sewer receipts (House, No. 6331); Severally were read a second time; and they were ordered to a third reading.
The House Bill relative to surety bonds for notaries public (House, No. 951) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Cox of Lowell moved that it be amended by striking out, in line 5, the word "ten" and inserting in place thereof the word "one".

The amendment was adopted; and the bill (House, No. 951, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill providing that the Commonwealth may enter into an interstate compact with any of the states to provide for the control, development, and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders (House, No. 201) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Caron of Springfield moved that it be amended by adding at the end thereof the following section:

"SECTION 3. The commissioner of corrections, subject to the approval of the governor, is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular."

The amendment was adopted; and the bill (House, No. 201, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill clarifying the powers of housing receivers (Senate, No. 705), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. DeFilippi of West Springfield moved that it be amended in section 14 (as printed) by striking out, in line 21, the word "seven" and inserting in place thereof the word "fourteen"; and by inserting after the word "appropriate", in line 102, the words "; provided that said notice shall not be less than five days".

The amendments were adopted; and the bill (Senate, No. 705, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

The Senate Bill providing for distinctive license plates for members of the Ancient and Honorable Artillery Company (Senate, No. 1741) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Cox of Lowell moved that it be amended by striking out the paragraph contained in lines 4 to 10, inclusive, and inserting in place thereof the following paragraph:

"The registrar shall furnish at his office at no less than cost to
members of the Ancient and Honorable Artillery Company of Massachusetts, plates bearing facsimiles of an appropriate symbol of the company suitable for attachment to a motor vehicle owned solely or in part and principally used by those members and registered under this chapter."

The amendment was adopted; and the bill (Senate, No. 1741, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

The House Bill relative to providing for drug free park and playground zones (House, No. 1081) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Koczera of New Bedford moved that it be amended in section 1, in line 5; and in section 2, in line 3, by inserting after the word "playground", in each instance, the words "or a public library or branch thereof".

The amendments were adopted; and the bill (House, No. 1081, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to restoring solvency to the Unemployment Compensation Fund (House, No. 6320, amended) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out section 7 (as printed) and inserting in place thereof the following section:

"SECTION 1. Section 9 of chapter 118F of the General Laws, as amended by section 473 of chapter 133 of the acts of 1992, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:

Any health insurance plan provided by the department to its enrollees through a contract with a health insurance company, hospital service corporation, medical service corporation, or health maintenance organization, shall provide a reasonable range of health care services to enrollees, shall ensure access to an adequate range of health care providers, shall include any mandated benefits otherwise required by law but shall not include access to or coverage of psychiatric and substance abuse providers of services delivered in a state other than the commonwealth, except if such services are not provided for or available within the Commonwealth. Any such health insurance plan which constitutes a managed health care plan shall provide, at a minimum, the following benefits: inpatient and outpatient acute hospital services, inpatient and outpatient physician services, diagnostic and screening tests, preventive care, prenatal and well-baby care; medically necessary emergency health services; and all other benefits which health maintenance organizations are required by law to provide. For the purposes of this chapter, the term 'physician' shall include a podiatrist acting within the limitations imposed by section thirteen of chapter one
hundred and twelve”; by striking out section 8 (as printed) and inserting in place thereof the following section:

“SECTION 7. Section 30 of chapter 26 of the acts of 1992, as amended by section 3 of chapter 118 of the acts of 1992, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:

Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in December, nineteen hundred and ninety-three.”.

The amendments were adopted (Mr. Serra of Boston being in the Chair); and the bill, as amended, was passed to be engrossed. Subsequently Mr. Voke of Chelsea moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6320, amended) then was sent to the Senate for concurrence.

The Senate Bill prohibiting bullfighting (Senate, No. 962) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on concurring with the Senate in its amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relating to the off duty privacy of employees (House, No. 3857, changed) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Cox of Lowell, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: An Act relative to the off duty privacy of employees.

Pending the question on passing the bill to be engrossed, Mr. Forman of Plymouth moved that it be amended by inserting after the word “employment”, in line 10, the words “; except that however, this section shall not prohibit any employer from establishing separate smoker and non-smoker employee contribution rates for various forms of insurance, including health and life”.

The amendment was adopted; and the bill, as amended, was passed to be engrossed. Subsequently Mr. Cox moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 3857, changed and amended) then was sent to the Senate for concurrence.
The House Bill relative to sexual harassment education and training in the workplace (House, No. 5559) was read a second time. The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 6329),— was considered.

Pending the question on adoption of the amendment, Ms. Tracy of Boston moved that the proposed substitute bill be amended by striking out, in line 16, the word “total” and inserting in place thereof the word “minimum”; by striking out, in line 24, the words “six months” and inserting in place thereof the words “January first, nineteen hundred and ninety-four”; and by striking out, in line 26, the word “six” and inserting in place thereof the word “twelve”. The further amendments were adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Tracy, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. Ms. Resor of Acton moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6329, amended) then was sent to the Senate for concurrence.

At twenty-seven minutes after eleven o’clock A.M., on motion of Mrs. Menard of Somerset (the Speaker being in the Chair), the House recessed until the hour of one o’clock P.M.; and at eight minutes after one o’clock the House was called to order with Mr. Serra of Boston in the Chair.

The engrossed Bill relative to proceedings involving children in need of care and protection (House, No. 6304) was considered, the question being on passing it to be enacted.

After remarks the sense of the House was taken by yeas and nays, at the request of Mrs. Parente of Milford; and on the roll call 84 members voted in the affirmative and 45 in the negative.

[See Yea and Nay No. 354 in Supplement.]

Therefore the bill was passed to be enacted. The same member then moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Kollios of Millbury; and on the roll call 59 members voted in the affirmative and 74 in the negative.

[See Yea and Nay No. 355 in Supplement.]

Therefore the motion to reconsider was negatived. The bill then was signed by the acting Speaker and sent to the Senate.

The House Bill relative to the carrying or possession of firearms (House, No. 1651, changed) (its title having been changed by the
committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, further consideration thereof was postponed, on motion of Mr. McIntyre of New Bedford, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to incentives for economic development (House, No. 6298, amended) was considered.

The further amendment previously moved by Mr. Lionett of Worcester (on Thursday, December 17), — that the amendment, offered by Messrs. Tarr of Gloucester and Palumbo of Newbury, be amended by adding at the end thereof the following section:

“SECTION 19Y. Sections 19A to 19X shall apply only to companies operating in economic development zones.”, — was rejected.

The amendment previously offered by Messrs. Tarr and Palumbo (on Thursday, December 17), — also was rejected; and the bill then was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the bill was read a third time forthwith.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the bill was read a third time.

Pending the question on passing the bill to be engrossed (Mr. Cohen of Newton being in the Chair), Ms. Resor of Acton moved that it be amended by striking out section 9 and inserting in place thereof the following section:

“SECTION 9. There hereby is established a ‘Joint Government/Industry Task Force On Innovation and Strategic Planning.’ Said task force shall have two duties and responsibilities, the first of which shall be to study strategic planning in Massachusetts including without limitation: a) an analysis of the current world economy and its impact on the economy of Massachusetts; b) an analysis of each sector and region of the Massachusetts economy to evaluate their strengths and possible areas for improvement; c) development of a blueprint of state support for critical and emerging industries; d) an evaluation and proposal to improve the efficiency and effectiveness of state economic development agencies and quasi-public authorities; and e) to determine the feasibility of participation in the National Institute of Standards and Technology programs.

The second duty shall be to study and identify state laws and regulations which may impede research, competitiveness, or hinder the innovation of Massachusetts employers. The study shall include, but not be limited to, the identification of statutes and regulations which are or may be duplicative of federal or local statutes, ordinances, bylaws or regulations, as do not reflect changing technology or business practices, that contribute to or create excessive delays and
costs related to business expansion, innovation or job growth, and/or generally impose conditions which might place Massachusetts business at a competitive disadvantage with businesses in other states.

The strategic plan shall be guided by the following principles:
a) economic development programs should focus predominantly on efforts to aid new business creation in Massachusetts and to strengthen existing Massachusetts businesses; b) economic development should involve a partnership of government, private business, local communities, education and labor; and c) economic development and environmental protection are compatible objectives. The commission shall have the power and authority to hire staff or to engage the services of experts.

The task force shall consist of the governor or his designee; the secretary of the executive office of economic affairs; the secretary of environmental affairs; the secretary of the executive office of labor; two members of the house of representatives, one of whom shall be the chair of the commerce and labor committee and the other to be appointed by the speaker of the house; two members of the senate, one of whom shall be the chair of the commerce and labor committee and the other to be appointed by the senate president; three members of the business community, one of whom shall be a representative of industrial manufacturers, one of whom shall be a representative of small business, and a representative of the financial service industry; two members of organized labor, one of whom shall be appointed by the speaker of the house and the other to be appointed by the senate president; one economist who shall have expertise in the area of local, state, and federal economies; two individuals who teach at educational institutions, one of whom shall be selected by the Association of Independent Colleges and Universities of Massachusetts, and the second of whom shall teach at a public institution and who shall be selected by the Higher Education Coordinating Council; and one representative of the quasi-public community development agencies.

The task force shall, on or before January first, nineteen hundred and ninety-four, file a report identifying the types of statutes and regulations previously listed with the house and senate committees on ways and means. Said report shall include a recommended course of action for each statute of regulation identified. Said report shall include recommendations for legislative reforms and regulations for regulatory reform.

The amendment was adopted.

Representatives O'Brien of Hanover and Sullivan of Norwood moved, there being no objection, that the bill be amended in section 18 by inserting after line 86 the following paragraph:

“(h) _ Any loan made under this program shall be used predominantly for business activities within the Commonwealth.”

The amendment was adopted.

There being no objection, — Messrs. Draisen of Boston and Valianti of Marlborough moved that the bill be amended by inserting after section 19 the following section:
“SECTION 19A. The Massachusetts Technology Development Corporation, hereinafter the ‘Corporation’, is hereby mandated to establish three emerging technology centers in the commonwealth for the purpose of encouraging existing Massachusetts corporations to take better advantage of new technological approaches to manufacturing and service delivery, and to encourage the establishment of new businesses to develop and utilize such new technologies. Each center shall be created to assist a particular sector within the economy, and shall be located in an area which shall be convenient to businesses operating in that sector. Each center shall be established through a competitive application process at the sole discretion of the Corporation, which shall determine, within the scope and purpose of this act, the process for the submission and evaluation of applications. Only not-for-profit corporations established pursuant to chapter one hundred and eighty of the General Laws shall be permitted to apply, and the board of directors of such corporations shall include individuals who are active in the sector for which each center is to be established, which directors shall be drawn from business, institutions of higher learning, the sciences, and such other fields as may be helpful to carrying forward the purposes of each center. Each center shall be permitted to accept funds from the commonwealth, other instrumentalities of government, and private individuals and corporations, as long as a full accounting of said receipts and all expenditures shall annually be submitted to the Corporation for its review. Each center shall develop an annual plan, which shall be submitted to the Corporation for its review and approval, which may include direct research activities by center staff; contracted research activities; publication of materials; convening of meetings and conferences; establishment of model manufacturing processes; testing of equipment and procedures; cooperative ventures with other corporations and institutions for the development, testing, and evaluation of new technologies; joint ventures with individual corporations or with several corporations in which, if determined to be necessary and appropriate by the Corporation, the results of such ventures may be retained as the proprietary information of the individual corporation or corporations; and other such activities as shall be necessary for the successful completion of the aforesaid activities and for the implementation of the purposes of this act. The Corporation will ensure that state funding provided for the operation of the centers shall be matched on at least a dollar for dollar basis by funding from other institutions, corporations, individuals, or any other governmental entity.”

The amendment was adopted.

There being no objection, — Messrs. Draisen of Boston and Merced of Boston moved that the bill be amended by inserting after section 19A (inserted by amendment) the following section:

“SECTION 19B. The Community Development Finance Corporation is hereby ordered to conduct the necessary study and investigation to ensure the preparation and submission of applications to the U.S. Department of Housing and Urban Development for the capitalization and operation of two community investment banks
in Massachusetts, in accordance with Title VIII of the Housing and Community Development Act of 1992. The banks so authorized shall be depository institutions which shall target investment activities in economically depressed neighborhoods or municipalities for the purpose of arresting the process of disinvestment and encouraging rehabilitation, job creation, and capital improvement, with an emphasis on assisting low and moderate income residents."

The amendment was adopted.

Mr. Bosley of North Adams then moved that the bill be amended in section 1 by striking out the paragraph contained in lines 346 to 351, inclusive; and by striking out sections 2 and 3 and inserting in place thereof the following two sections:

"SECTION 2. Chapter 40 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following new section:

Section 59. Tax Increment Financing and Special Tax Assessments.

(a) Notwithstanding any general or special law to the contrary, any city or town by vote of its town meeting, town council, or city council with the approval of the mayor where required by law, on its own behalf or in conjunction with one or more cities or towns, and pursuant to regulations issued by the secretary of the executive office of communities and development, may adopt and prosecute a tax increment financing ("TIF") plan, and do any and all things necessary thereto, provided that the TIF plan:

(i) designates one or more areas of such city or town as a TIF zone; provided, that each area so designated is wholly within an area eligible to be designated as an economic opportunity area pursuant to section three D of chapter twenty-three A or is within an area designated by the secretary of economic affairs, pursuant to regulations adopted by the economic assistance coordinating council established pursuant to section three B of chapter twenty-three A, as presenting extraordinary opportunities for increased economic development; provided, further, that in the case of a TIF plan adopted by more than one city or town, the areas designated as TIF zone shall be contiguous areas of such cities or towns;

(ii) describes in detail all construction and construction-related activity, public and private, contemplated for such TIF zone as of the date of adoption of the TIF plan; provided, that in the case of public construction as aforesaid, the TIF plan shall include a detailed projection of the costs thereof and a betterment schedule for the defrayal of such costs; provided, further, that the TIF plan shall provide that no costs of such public constructions shall be recovered through betterments or special assessments imposed on any party which has not executed an agreement in accordance with the provisions of paragraph (v) of this subsection; and provided, further, that in the case of private construction as aforesaid, the TIF plan shall include the types of industrial and commercial developments which are projected to occur within such TIF zone, with documentary evidence of the level of commitment therefor, including but not limited to architectural plans, specifications and schematic drawings;
(iii) authorizes tax increment exemptions from property taxes, in accordance with the provisions of clause fifty-first of sections five of chapter fifty-nine, for a specified term not to exceed fifteen years, for any parcel of real property which is located in the TIF zone and for which an agreement has been executed with the owner thereof in accordance with the provisions of paragraph (v) of this subsection; provided, that the TIF plan shall specify the level of such exemptions as a percentage of the projected tax increment that will result from increases in the assessed value of each such parcel as a result of the improvements made or appurtenant thereto in accordance with the agreement referenced in said paragraph (v); provided, further, that such exemptions shall be calculated for each such parcel as provided in said clause fifty-first, for each fiscal year of the specified term, equal to the total assessed value for all parcels of commercial and industrial real estate in the municipality in which the TIF zone is located divided by the total assessed value of all parcels of commercial and industrial real estate in such city or town in the fiscal year immediately prior to the fiscal year in which the parcel first became eligible for such an exemption pursuant to the provisions of this paragraph;

(iv) established a maximum percentage of the costs of any public construction, referenced in paragraph (ii) of this subsection and initiated subsequent to the adoption of the TIF plan, that can be recovered through betterments or special assessments against any parcel of real property eligible for tax increment exemptions from property taxes pursuant to clause (iii) of this subsection during the period of such parcel's eligibility for exemptions from annual property taxes pursuant to clause fifty-first of section five of chapter fifty-nine, notwithstanding the provisions of chapter eighty or any other general or special law authorizing the imposition of betterments or special assessments;

(v) includes executed agreements between such city or town and each owner of a parcel of real property which is located in such TIF zone; provided, that each such agreement shall include: (A) all material representations of the parties which served as the basis for the descriptions contained in the TIF plan in accordance with the provisions of paragraph (ii) of this subsection; (B) a detailed recitation of the tax increment exemptions and the maximum percentage of the cost of public improvements that can be recovered through betterments or special assessments regarding such parcel of real property pursuant to paragraphs (iii) and (iv) of this subsection; (C) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to such agreement; and (D) a provision that such agreement shall be binding upon subsequent owners of such parcel of real property;

(vi) delegates to one board, agency or officer of the city or town the authority to execute agreements in accordance with the provisions of the preceding paragraph; and

(vii) is certified as an approved TIF plan by the economic assistance coordinating council established by section three B of chapter twenty-three A pursuant to regulations adopted by said
council; provided that the economic assistance coordinating council shall find, based on the information submitted in support of the TIF plan by the city or town and such additional investigation as the economic assistance coordinating council shall make, and incorporate in its minutes, that the plan is consistent with the requirements of this section and will further the public purpose of encouraging increased industrial and commercial activity in the commonwealth; provided, further, that a city or town may at any time revoke its designation of a TIF zone and, as a consequence of such revocations, shall immediately cease the execution of any additional agreements pursuant to clause (v) of this subsection; provided, further, such revocations shall not affect agreements relative to property tax exemptions and limitations on betterments and special assessments pursuant to clause (v) of this subsection which were executed prior thereto; and provided, further, that the board, agency or officer of the city or town authorized pursuant to paragraph (vi) of this subsection to execute agreements shall forward to the board of assessors a copy of each such agreement, together with a list of the parcels included therein.

(b) Notwithstanding any general or special law to the contrary, any city or town by vote of its town meeting, town council, or city council with the approval of the mayor where required by law, on its own behalf or in conjunction with one or more cities or towns, and pursuant to regulations issued by said economic assistance coordinating council, may: (a) prepare, present and submit municipal applications, within the meaning of section three A of chapter twenty-three A, for designation of one or more areas thereof as economic opportunity areas or as economic target areas, and take such actions as may be necessary or appropriate to secure such designation in accordance with sections three D and three E of said chapter twenty-three A; (b) delegate to one board, agency or officer of the city or town the authority to approve project proposals and request designations therefor as certified projects in accordance with subsections one (b) and (c) of section three F of said chapter twenty-three A; (c) prosecute plans and comply with binding written offers incorporated in municipal applications submitted thereby including without limitations by and through the provision to certified projects within a project economic target area of a special tax assessment in accordance with the provisions of subsection three (b) of section three E of chapter twenty-three A; (d) delegate to one board, agency or officer to the city or town the authority to prosecute petitions which seek a revocation of a designation of a particular area of said city or town as an economic target area in accordance with the provisions of section three E of chapter twenty-three A; provided, that after the effective date of such revocation no further project proposals which relate to said area may be approved by the municipality, but any property tax exemptions, limitations on betterments and special assessments and special tax assessments for any parcel of real property in and on which is located, and which is otherwise a part of, project in said area which was certified prior to such effective
date shall not be affected by such revocation; and (e) make periodic review of the conduct of controlling businesses, within the meaning of section three A of chapter twenty-three A, to determine that such conduct is consistent with the representations made with regard thereto by each such controlling business in its project proposal as approved by the city or town and, based on such reviews and if deemed necessary or appropriate, prosecute petitions which seek a revocation of the certification of a certified project within said city or town in accordance with the provisions of section three E of chapter twenty-three A.

The board, agency or officer responsible for approving project proposals and requesting designations therefor as certified projects as provided in clause (b) of the preceding paragraph shall, within thirty days of receipt of notification that a project has been designated as a certified project by the economic assistance coordinating council established pursuant to section three B of chapter twenty-three A, forward to the board of assessors and to all their appropriate municipal agencies a copy of each such notice of certification, together with a list of the parcels included in each project and any other information which may be necessary or appropriate to enable the board of assessors to discharge on behalf of the city or town its obligations under the economic development incentive program.

SECTION 3. Section 5 of chapter 59 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following new clause: —

Clause Fifty-first, the value of a parcel of real property which is included within an executed agreement under the provisions of paragraph (v) of subsection (a) of section fifty-nine of chapter forty, together with all personal property situated on such parcel; provided, that taxes on property eligible for exemption under this clause shall be assessed only on the portion of the value of the property that is specified in such agreement as not exempt; provided, further, that such exemptions shall be for a term no longer than the lesser of the period specified therefor in such agreement or, for property which is a part of a certified project under section three F of chapter twenty-three A, the certification period for such certified project established by the economic assistance coordinating council pursuant to subsection two of section three F of chapter twenty-three A; and provided, further, that notwithstanding anything in such agreement to the contrary, such a parcel of real property shall be exempt under this clause only to the extent that its value exceeds the product of its assessed value for the last fiscal year before it became eligible for exemptions under this clause multiplied by the adjustment factor determined in accordance with section twenty-four of chapter forty D."

The amendment was adopted.

There being no objection, — Representatives Sullivan of Abington and Bump of Braintree moved that the bill be amended in section 18 by inserting after line 107 the following:

"3. The agency is hereby authorized to do the following:
(a) to enter into a contract with the Massachusetts Business Development Corporation, hereinafter MBDC, established under the provisions of chapter 671 of the acts of 1953, to act as the Agent of the Agency with respect to the administration of the program. Said contract:

(1) shall be for a period of two years and shall be renewed for additional two year periods subject to the requirements of subsection (b) of this section; and

(2) shall provide for compensation and reimbursement of the Agent on terms the Agency may deem appropriate for the administration of said program for any expenses incurred by the MBDC in connection with its services as Agent and for such other services as the Agency may deem appropriate including, but not limited to, the use of the premises, personnel and personal property of the MBDC.

(b) conduct an annual review and assessment of the performance of the MBDC in its capacity as Agent for the Agency to determine whether the contract referenced in subsection (a) of this section should be renewed for an additional two year period. Said review shall be based on whether the MBDC has satisfactorily met the terms and conditions of the contract.

Upon an initial determination by the agency that the MBDC's performance is unsatisfactory, the MBDC shall be given the opportunity to take corrective action. If, upon a final review of the MBDC's performance the Agency continues to conclude that the MBDC's performance is unsatisfactory, it shall submit to the Commerce and Labor Committee its recommendation to terminate the contract with MBDC and transfer the contract to another agency.”.

The amendment was adopted.

There being no objection, — Representative Menard of Somerset and other members of the House moved that the bill be amended in section 1 by inserting after line 32 the following paragraph:

“ ‘Distress Factor’, a fraction, the numerator of which is the sum of (1) the city or town’s unemployment rate for the most recent three years divided by the commonwealth's unemployment rate for the same period and (2) the commonwealth's per capita personal income divided by the city or town's per capita personal income, and the denominator of which is two.”; and by inserting after line 574 the following paragraph:

“4. Notwithstanding any other provisions of this section or section three C, three D or three E, or any other qualifying conditions, the EACC shall certify any new or expanding business which creates or will create twenty-five or more new jobs, as certified by the EACC, and is located in a community or labor market area which has a distress factor greater than one and thirty-three one hundredths, as defined in section three A, and shall qualify as a certified EOA and eligible for all the benefits of the EDIP.”.

The amendments were adopted.
There being no objection, — Representatives Menard of Somerset, Herren of Fall River, Lambert of Fall River and Correia of Fall River moved that the bill be amended by inserting after section 1 the following section:

“SECTION 1B. Section 28A of said chapter 23A is hereby amended by adding at the end thereof the following paragraph: —

Notwithstanding any other provision of this section, the greater Fall River area, which shall include the city of Fall River and the towns of Swansea, Westport and Somerset, shall be authorized to make application to the federal foreign trade zone board.”.

The amendment was adopted.

Mr. Stoddart of Natick then moved that the bill be amended in section 17 by striking out, in lines 100 to 104, inclusive, the following: “However, the board may elect to guarantee up to eighty-five percent of the required financing provided there is evidence of lender credit exposure and adequate analysis of foreign commercial and political risk; and”.

The amendment was adopted.

Mr. Magnani of Framingham then moved that the bill be amended in section 1 by striking out, in line 232, the word “three” and inserting in place thereof the word “four”; by striking out, in line 246, the word “and” and inserting in place thereof the word “or”, by inserting after line 246 the following paragraph:

“(D) if the municipality has experienced a plant closing resulting in a job loss of two thousand or more within the four years prior to designation as an ETA”; and by inserting before the word “; and”, in line 282, the following: “or has experienced a plant closing resulting in a job loss of two thousand or more within the four years prior to designation as an EOA”.

The amendments were adopted.

Mr. Cabral of New Bedford then moved that the bill be amended by inserting after section 2 the following section:

“SECTION 2A. Chapter 401 of the General Laws is hereby amended by adding the following four sections: —

Section 11. (a) Long-term competitiveness of our manufacturing industries will depend on superior modernization of technologies and work organization, and continued development of basic skills, technical skills, and supervisory and management training;

(b) Since nineteen hundred and eighty-nine the Commonwealth has lost some one thousand manufacturing firms representing over one hundred thousand jobs;

(c) The Commonwealth now has concentration of production in smaller, higher value-added, high skill industries, most of which employ fewer than fifty workers;

(d) The ability of the Commonwealth’s small- and medium-sized manufacturers to survive and compete in an international economy depends on their ability to meet the cost, quality, and delivery demands of major industrial customers;

(e) Traditional one-on-one technical assistance programs provided to individual, large manufacturers are no longer feasible
or efficient to service thousands of smaller firms representing thousands of smaller industries, each with specific technologies, markets and competitive forces; and

(f) The collective resources, energy and efficiencies of manufacturing networks commonly used successfully by small manufacturing firms in Europe should be developed, supported and encouraged in Massachusetts to make the Commonwealth’s manufacturers more competitive and prosperous.

Section 12. As used in this section, the following words shall have the following meanings: —

(a) ‘Manufacturing Network,’ a group of five or more private sector firms engaged in trade who work cooperatively to improve competitiveness.

(b) ‘Trade,’ firms that sell their goods or services into markets for which national or international competition exists.

Section 13. The Bay State Skills Corporation (BSSC) shall support the creation and development of manufacturing networks to enhance the quality of Massachusetts manufactured products and improve the national and international competitiveness of Massachusetts manufacturing firms.

BSSC shall provide manufacturing network grants based on criteria established by its board. BSSC shall not grant, in any calendar year, more than fifteen percent of its grant funds for any one industry.

BSSC shall assist manufacturing networks to:

(a) share, develop and finance improvements and innovation in manufacturing technology;

(b) improve productivity, including but not limited to total quality management, statistical quality control and just-in-time production;

(c) enhance workforce development and employee training;

(d) access new export markets;

(e) improve work organization and management practices, including but not limited to increasing front-line employee responsibility and participation;

(f) convert from military- to civilian-based production;

(g) meet environmental standards or regulations;

(h) reduce employee health care costs and improve workplace safety; and

(i) engage in other related activities.

Section 14. (a) BSSC shall annually file with clerks of the senate and the house of representatives on or before January one, a report of its activities in support of manufacturing networks in the Commonwealth.

(b) The report shall include, but not be limited to:

(1) a financial statement summarizing BSSC’s activities involving manufacturing networks;

(2) the number and types of manufacturers assisted and a description of the assistance provided; and

(3) legislative recommendations to enhance the competitiveness of Massachusetts manufacturers.”.

The amendment was adopted.
There being no objection, — Mr. Palumbo of Newbury and other members of the House moved that the bill be amended by inserting after section 19B (inserted by amendment) the following section:

"SECTION 19C. Notwithstanding any general or special law or any rule or regulation or any executive order to the contrary there is hereby established a special commission to study the economic impact of the absence of a sales tax in the state of New Hampshire on the area of the commonwealth known as the Merrimack Valley.

Said Commissioner shall hold a series of three hearings, one at Merrimack College in the town of North Andover, a second at the University of Massachusetts at Lowell, and a third at Northern Essex Community College in the city of Haverhill to elicit ideas and establish a plan to address the problems and concerns of the businesses and consumers of the Merrimack Valley as a consequence of the proximity to the border of the state of New Hampshire and the lack of a sales tax therein.

Said commission shall make any recommendations for legislation together with any remedies to enhance and develop the economic stability of the area known as the Merrimack Valley to the house and senate ways and means committees by the first Wednesday in May of nineteen hundred and ninety-three.

Members of said commission shall be comprised of, but not limited to, the presidents of the five Merrimack Valley Chambers of Commerce or their designees, the house and senate chairmen of the taxation committee or their designees, the secretary of economic affairs or his designee, the executive director of the Merrimack Valley planning commission or his designee, the executive director of the Lower Merrimack Valley regional employment board or his designee, and the president of the joint labor council of greater-Lawrence and greater-Haverhill or his designee. The state legislative delegation from the Merrimack Valley shall be ex-officio members of said commission."

The amendment was adopted.

Mr. Coon of Andover then moved that the bill be amended in section 1 by striking out, in lines 275, 437, 463, 469, 519 and also in line 540, the word "fifteen" and inserting in place thereof, in each instance, the word "twenty"; and the amendments were adopted.

There being no objection, — Representatives Menard of Somerset, Herren of Fall River, Lambert of Fall River, Correia of Fall River, Pacheco of Taunton and Travis of Rehoboth moved that the bill be amended in section 1 by inserting after line 219 the following paragraph:

"(5) In the event that the council determines to grant EDIP benefits to a project located outside an ETA, where it has not awarded such benefits to a project within an ETA, it shall provide specific reasons for bypassing such a project within a zone and, further, for awarding benefits to a project outside a zone, within its annual report to be submitted to the legislature."

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Bosley of North Adams; and on the roll call (Mrs. Menard

Bill passed to be engrossed,
of Somerset being in the Chair) 137 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 356 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Bosley moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6341, printed as amended) then was sent to the Senate for concurrence.

There being no objection, — the House Bill to establish a state bicycle program fund (House, No. 5253) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 6238), — was adopted.

The substituted bill then was ordered to a third reading.

**Engrossed Bills.**

The engrossed Bill establishing sick leave banks for certain employees of the Commonwealth (see House, No. 6116, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing and directing the State Retirement Board to recalculate the pension of Ellen Schiff (see House, No. 5346) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

**Engrossed bills**

Providing that certain teachers shall be credited with service to nonpublic schools (see Senate, No. 1582) (which originated in the Senate); and

Relative to the treatment of animals by acupuncture (see House, No. 5753, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

**Engrossed Bills — Land Takings.**

Mrs. Menard of Somerset being in the Chair, — the engrossed Bill relative to the transfer of a state owned water line in Worcester County (see House bill printed as Senate, No. 1733) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.
On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call 135 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 357 in Supplement.]
Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Mr. Voke of Chelsea being in the Chair, — the engrossed Bill authorizing the city of Springfield to convey a certain parcel of park land (see House, No. 6309) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call (Mr. Miceli of Wilmington being in the Chair) 127 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 358 in Supplement.]
Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mrs. Menard of Somerset, —

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.

Mrs. Menard then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eleven minutes after five o’clock P.M. (Mr. Miceli of Wilmington being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M., in an Informal Session.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Finneran of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we, as a people, celebrate and observe Christmas as a national holiday and a religious holiday. May the friendly spirit of the season enter into our hearts and minds and influence our attitude towards neighbors, constituents and associates. Help us to make our communities peaceful, open to all and understanding of others. As we calculate our own blessings from You, inspire us to share a part of them with others.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Finneran), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill providing for an early retirement incentive program for certain employees [see House, No. 6203, amended] (for message, see House, No. 6344) was filed in the office of the Clerk on Tuesday, December 22.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Blanchette of Lawrence, to the committee on Bills in the Third Reading.

Messages from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the proceedings of the nineteen hundred and ninety-two annual town caucus for the town of Becket (House, No. 6345) was filed in the office of the Clerk prior to today’s sitting.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs. Sent to the Senate for concurrence.
A message from His Excellency the Governor recommending legislation relative to the qualification of bidders on construction projects of the Massachusetts Highway Department (House, No. 6346) was filed in the office of the Clerk during the preceding sitting.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on State Administration. Sent to the Senate for concurrence.

Petition.

Mr. Flaherty of Cambridge presented a petition (subject to Joint Rule 12) of Charles F. Flaherty relative to public reporting of corporate tax information and analysis of certain expenditures; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Flaherty, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of the same member, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Ways and Means. Sent to the Senate for concurrence in the suspension of Joint Rule 12.

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 1791) of Robert L. Hedlund for legislation relative to the retirement benefits of John Snider. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1792) of Arthur E. Chase, Kevin O'Sullivan and Matthew J. Amorello for legislation to designate a section of Route 122 in Worcester as the Jewish War Veterans Memorial Highway. To the committee on Transportation.

Reports of Committees.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) ought to pass with an amendment in section 11 by striking out the sentence contained in lines 18 to 23, inclusive, and inserting in place thereof the following sentence: "The provisions of this section and section two shall not apply to any city which has a special law to the contrary covering the procedure for the division of wards and precincts."; and by inserting at the end thereof the following two sections:

"SECTION 35. Notwithstanding section 11 of this act, in the year nineteen hundred and ninety-three, no later than February first, a city, by vote of its city council may, or if the existing wards in such city do not contain, as nearly as can be ascertained, an equal
number of inhabitants, shall make a new division of its territory into such number of wards as may be fixed by law. Any such vote of a city council hereunder dividing a city into wards shall, at the same time, divide each ward into such number of precincts as is required by section two of chapter fifty-four. Not later than February first in such year the city clerk shall give written notice to the state secretary of the number and designation of wards and precincts provided for in this section and in section two of chapter fifty-four, together with an official map and description of said wards and precincts indicating, as nearly as can be ascertained, the number of inhabitants residing therein. The provisions of this section shall not apply to any city which has a special law to the contrary covering the procedures for the division of wards and precincts.

The state secretary shall make available to the local election districts review commission, for its scrutiny, the written notices, maps descriptive information submitted to him by city clerks in reference to the new or unrevised wards and precincts of their respective cities under this section. If the said commission shall find that any such plan of new or unrevised wards or precincts of any city conflicts with the applicable requirements of this chapter, or is of questionable constitutionality, it shall transit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the mayor of such city, or in a city having a council-manager form of government to the city manager, not later than February twenty-second. Said mayor or city manager shall, within seven days following his receipt of such notice, present to the city council of such city his recommendations for a division of the city into wards and precincts free of the defects cited by the commission. If the city council shall fail to ordain such division, or a substitute division, conformable to this chapter within ten days after said presentation by said mayor or city manager, he shall issue forthwith, not later than March thirty-first immediately following, an executive order making a division of said city into wards and precincts subject to the approval of the local election districts review commission which shall take effect according to the provisions of this chapter, as though it had been ordained by the city council. The provisions of this section shall not apply to any city which has a special law to the contrary covering the procedures for the division of wards and precincts.

SECTION 36. Notwithstanding section 14 of this act, in the year nineteen hundred and ninety-three no later than February first, the board of selectmen of every town of less than six thousand, two hundred inhabitants may, on their own motion, or shall, when so directed by the town meeting, and the board of selectmen of every town having six thousand, two hundred or more inhabitants shall, divide the town in the manner hereinafter provided into convenient voting precincts. Any voting precincts so established hereunder shall be composed of compact and contiguous territory. The selectmen shall, so far as possible, make the center line of streets or ways, or other well defined limits that constitute block boundaries recognized by the United States bureau of the census, the boundaries of such precincts, and shall designate them by numbers or letters.
In any town of six thousand, two hundred or more inhabitants, each precinct established hereunder shall contain, as nearly as may be, an equal number of inhabitants, but not more than four thousand inhabitants. The times and procedures required by this section for precincts shall also apply to any district for electing town councillors, school committee members, representative town meeting members, or other town officers, notwithstanding any general or special law or charter to the contrary.

Such division of a town into precincts shall be made by the board of selectmen setting forth an official description of the precincts so established, together with a statement of the number of inhabitants residing in each precinct as nearly as such number may be determined. The board of selectmen shall also cause an official map of the precincts established by them hereunder to be prepared. Upon the adoption by the board of selectmen of a towns of such a division, the town clerk shall transmit forthwith to the state secretary, not later than February first of the year in which such division is authorized or required to be made under this section, a copy of said division, together with an official map of said precincts and a statement by the board of selectmen of the number of inhabitants in each such precinct, as nearly as such number may be determined. The state secretary shall make the same available to the local election districts review commission for its scrutiny. If said commission shall find that any plan of town precincts established under this section conflicts with the applicable provisions of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the board of selectmen of the town not later than February twenty-second of said year. The board of selectmen of such town shall make a new or revised division of the town into precincts in the manner and within the time prescribed by said commission, but not later than March ninth of said year.

If any town consisting of one precinct and having six thousand, two hundred or more inhabitants, which is required to be divided into precincts under this section shall not be so divided within the time specified above, the local election districts review commission shall, no later than March thirty-first make such division of the town into precincts conforming with the standards set forth in this section. The commission may appoint a master who shall, not later than March thirty-first, make such division of the town into precincts, said division to be subject to approval by the commission and to amendment by it."

Under suspension of Rule 41, on motion of Mr. Forman of Plymouth, the bill was considered.

The amendments previously recommended by the committee on Ways and Means then were adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on motion of the same member, the bill was read a third time forthwith; and it was passed to be engrossed. Mr. Forman moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 3355, amended) then was sent to the Senate for concurrence.
Supplemental appropriations.

Employees of the Commonwealth—salaries.

Real estate taxes—quarterly payments.

Bill enacted.

Engrossed bills
Relative to patient rights (see Senate, No. 105); and
Relative to group insurance in the town of Bellingham (see Senate, No. 1727);
(Which severally originated in the Senate);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.
Recess.

At a quarter after eleven o'clock A.M., the Chair (Mr. Finneran of Boston) declared a recess subject to the call of the Chair, there being no objection; and at five minutes after one o'clock P.M., the House was called to order with the Speaker in the Chair.

Paper from the Senate.

The House Bill relative to stimulating employment and encouraging the siting of certain federal facilities in the Commonwealth (House, No. 6333) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 1A and inserting in place thereof the following section:

"SECTION 1A. To provide for certain activities and projects, the sums set forth in section two are hereby appropriated from the General Fund unless specifically designated otherwise in the items for the several purposes and subject to the conditions therein, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations specified herein for the fiscal year nineteen hundred and ninety-three."

Under suspension of the rules, on motion of Mr. Peters of Charlton, the amendment was considered forthwith; and it was adopted, in concurrence.

Recess.

At eleven minutes after one o'clock P.M., the Speaker declared a recess subject to the call of the Chair, there being no objection; and at eighteen minutes before four o'clock the House was called to order with the Speaker in the Chair.

Papers from the Senate.

The House Bill improving the administration and management of the judicial system of the Commonwealth (House, No. 6232) came from the Senate passed to be engrossed, in concurrence, with the following amendment:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1788.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment, and on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker then appointed Representatives Finneran, DiMasi of Boston and Stoddart of Natick as the committee on the part of the House. Sent to the Senate to be joined.

The House Bill relative to harness horse racing (House, No. 6255) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following section:

"SECTION 2. Notwithstanding any provisions chapter one
Harness horse racing.

hundred and twenty-eight A of the General Laws to the contrary, a harness horse racing meeting licensee that has been awarded dates for calendar year nineteen hundred and ninety-three may submit, resubmit or amend its application for a license to hold or conduct racing meetings for calendar year nineteen hundred and ninety-three and request that additional dates be licensed. The commission's procedure for hearings on all such applications shall be the same as the procedures on supplementary applications filed pursuant to said chapter one hundred and twenty-eight A.; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the continuation of the harness horse racing industry in the commonwealth and the revenue to the commonwealth from taxes on said industry, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of the rules, on motion of Mr. Walsh of Agawam, the amendments were considered forthwith; and they were adopted, in concurrence.

Report of a Committee.

Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Honor the Lieutenant-Governor, Acting Governor (House, No. 6104) reports, in part, a Bill relative to vocational education (House, No. 6347), which was read.

Under suspension of Rule 41, on motion of Mr. Finneran of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Resor of Acton, the bill was read a third time; and it was passed to be engrossed. Ms. Resor moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6347) then was sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill relative to stimulating employment and encouraging the siting of certain federal facilities in the Commonwealth (see House, No. 6333, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted. Mr. Peters of Charlton moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill then was signed by the Speaker and sent to the Senate.

Recess.

At twelve minutes before four o'clock P.M., the Speaker declared a recess subject to the call of the Chair, there being no objection; and at eight minutes after five o'clock the House was called to order with the Speaker in the Chair.
Paper from the Senate.

The House Bill concerning health records requested from providers by persons seeking benefits under the Social Security Act and federal or state needs-based benefit programs (House, No. 5963) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1760.

Under suspension of the rules, on motion of Mr. Draisen of Boston, the amendment was considered forthwith; and it was adopted, in concurrence.

Emergency Measures.

The engrossed Bill relative to the operation of motor vehicles equipped with ignition interlock and the reduction of automobile insurance premiums (see House, No. 2489, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 21 to 0. Sent to the Senate for concurrence.

The engrossed Bill relative to harness horse racing (see House, No. 6255, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 21 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to the insolvency fund for workers' compensation benefits (see Senate, No. 1588, amended) (which originated in the Senate);

Providing for recall elections in the town of Rochester (see House bill printed as Senate, No. 1619);

Authorizing the county of Dukes County to borrow in anticipation of a certain state grant (see House bill printed as Senate, No. 1763, changed);

Relative to the protection of persons crossing or attempting to cross ways (see House, No. 30, changed); and

Relative to certain bank investment powers (see House, No. 2226, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.
Recess.

At fourteen minutes after five o'clock P.M., the Speaker declared a recess subject to the call of the Chair, there being no objection; and at twelve minutes before six o'clock the House was called to order with Mr. Finneran of Boston in the Chair.

Paper from the Senate.

The House Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-three to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 6342) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1790, amended, as follows:

In section 2 inserting before the caption "EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION." the following item:

"Massachusetts Corporation For Educational Telecommunications.

1100-1400 1,000,000";

In section 2A, by inserting after item 7005-1100 the following item:

"7009-1000 For payments by the secretary to vendors for services under the provisions of section four of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five, as amended by section one hundred and twenty-nine of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, actually rendered prior to December thirty-first, nineteen hundred and ninety-one but for which full payment has not been made 275,000";

Striking out section 13 and inserting in place thereof the following:

"SECTION 13. Section 1 of chapter 164 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence: — A cogeneration facility shall also include any electrical generating unit having a power production capacity which, together with any other facilities located at the same site, is not greater than thirty megawatts and which produces electric energy and steam or other form of useful energy utilized for industrial, commercial, heating or cooling purposes that is in the confines of an industrial park, which park existed prior to March first, nineteen hundred and eighty-two, and in which park there existed as of said date electrical generating capacity of more than fifteen megawatts, and in which park there existed, since said date, a cogeneration facility, as defined herein, or a small power production facility."; and

Inserting after section 21A the following section:
"SECTION 21B. Notwithstanding the provisions of any general or special law to the contrary, the Medicaid office within the Department of Public Welfare shall reimburse federally designated Chapter 410 sole community providers and state designated sub-acute long term care rural providers from the FY-93 appropriation for prior years’ obligations not to exceed $1,000,000.”.

Under suspension of the rules, on motion of Mr. Draisen of Boston, the amendments were considered forthwith; and they were adopted, in concurrence.

Emergency Measure.

The engrossed Bill changing the harbor lines in Fort Point Channel and authorizing certain structures and fill necessary in connection with the Central Artery/tunnel project to extend beyond established harbor lines in the Fort Point Channel (see House, No. 6171, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills
Relative to certain open burning in the Commonwealth (see House, No. 3066, amended);
Establishing a funding schedule for the retirement system of the town of Winthrop (see House, No. 5945);
Authorizing the town of Nantucket and the county of Nantucket to adopt a consolidated charter (see House, No. 6152, amended);
Relative to the charter of the town of Greenfield (see House, No. 6193);
Relative to the charter of the town of Acushnet (see House, No. 6194);
Establishing the board of water and sewer commissioners in the town of Somerset (see House, No. 6243);
Providing tenure of office for Timothy P. Ryan as chief of the police department in the town of Millville (see House, No. 6245); and
Exempting the position of chief of police in the city known as the town of Watertown from the provisions of the civil service law (see House, No. 6278);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.
At eight minutes after six o'clock P.M., the Chair (Mr. Finneran of Boston) declared a recess subject to the call of the Chair, there being no objection; and at twenty-four minutes after seven o'clock the House was called to order with Mr. Finneran in the Chair.

Engrossed Bills.

The engrossed Bill concerning health records requested from providers by persons seeking benefits under the Social Security Act and federal or state needs-based benefit programs (see House, No. 5963, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-three to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 6342, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted. Mr. Draisen of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill then was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Draisen of Boston,

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.

At twenty-five minutes after seven o'clock P.M., on motion of Mr. Draisen (Mr. Finneran of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. McDonough of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C. S. P., Chaplain of the House, as follows:

God, Our Creator, during this season of civic and religious celebrations and observances, our hearts and minds overflow with a spirit of good will, love and openness towards others. We pray that this spirit will be with us every day of the year. As we live the present moment and plan for the future of the people and the Commonwealth, let our hope in You and our confidence in our own good sense lead us to our common goals, namely a just, peaceful and prosperous society.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. McDonough), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The Speaker being in the Chair, —

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Resor of Acton) congratulating Timothy Karl Dorren on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Ms. Resor of Acton) congratulating Todd Louis Panicali on receiving the Eagle Award of the Boy Scouts of America;

Mr. Voke of Chelsea, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Ms. Resor, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual, Bi-monthly and Special Reports.

The bi-monthly report of the Executive Office of Transportation and Construction (under Section 178 of Chapter 653 of the Acts of 1989) submitting an account of the costs incurred in connection with the depression of the Central Artery and the construction of a third harbor tunnel; and
Reports

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Massachusetts Correctional Institution located in the town of Concord; and

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Norfolk County Correctional Center located in the town of Dedham;

Severally sent to the Senate for its information.

Annual reports of the Massachusetts Convention Center Authority (under Section 40 of Chapter 190 of the Acts of 1982) relative to operating and financial statements for the fiscal years ending June 30, 1991 and June 30, 1992, was placed on file.

Petitions

Petitions severally were presented and referred as follows:

By Mr. McIntyre of New Bedford, petition (subject to Joint Rule 12) of Joseph B. McIntyre and other members of the House relative to the purchase of firearms by non-residents of the Commonwealth.

By Ms. Brenton of Burlington, petition (subject to Joint Rules 12 and 7B) of Marianne Brenton for legislation to authorize the town of Burlington to acquire land in the town of Wilmington.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate

The House Bill improving the administration and management of the judicial system of the Commonwealth (House, No. 6232) came from the Senate with the endorsement that said branch had insisted on its amendment (in which the House had non-concurred) [for amendment, see Senate document numbered 1788].

The bill bore the further endorsement that said branch had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators McGovern, MacLean and Amorello had been joined as the committee on the part of the Senate.

A Bill authorizing the Commissioner of Capital Planning and Operations to release the Commonwealth's interest in a certain parcel of land in the city of Lawrence (Senate, No. 1786) (on House, No. 6014); and

A Resolve extending the time within which the special commission established to make an investigation and study of financial services offered to consumers by depository and non-depository institutions shall file its final report and increasing its scope (Senate, No. 1562) (on House, Nos. 2229, 4043, 4044 and 4800);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.
Engrossed Bills.

Engrossed bills
Relative to the operation of motor vehicles equipped with ignition interlock and the reduction of automobile insurance premiums (see House, No. 2489, amended); and
Relative to harness horse racing (see House, No. 6255, amended);
(Which severally originated in the House);
In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

The engrossed Bill relative to amateur boxing in the Commonwealth (see Senate, No. 1735, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Order.

On motion of Mr. Cohen of Newton,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.

At twelve minutes after eleven o'clock A.M., on motion of Mr. Cohen (the Speaker being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M., in an Informal Session.

Next sitting and printing of Calendar.

Bills enacted.

Bill enacted.
Wednesday, December 30, 1992.

Met according to adjournment, at eleven o’clock A.M., in an Informal Session, with Mr. Finneran of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Ever-present God, we pause for a moment to offer to You a prayer of thanksgiving for the blessings which You have bestowed upon us this year. We are grateful, too, for Your personal interest in our well-being. As we bid good-bye to the old year and ring in a new one, let our hearts and minds be filled with confidence in the future. May the spirit of political change in the country help us to reorder our priorities and goals so that they will be in accord with Your precepts.

Bestow Your blessings on the Speaker, the members of this House and their families. Amen.

At the request of the Chair (Mr. Finneran), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

- Resolutions (filed by Mr. Cruz of West Bridgewater) congratulating Elsie Raso on the occasion of her one hundredth birthday;
- Resolutions (filed by Mr. Krekorian of Reading) recognizing and honoring the North Reading High School “Hornets” boys soccer team;
- Resolutions (filed by Ms. Resor of Acton) congratulating Daniel F. Megan on earning the prestigious rank of Eagle Scout; and
- Resolutions (filed by Ms. Resor of Acton) congratulating Edward Todd Schreiner on earning the prestigious rank of Eagle Scout;

Mrs. Menard of Somerset, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Ms. Resor, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Sterling Suffolk Racecourse Limited Partnership (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts between said partnership (Suffolk Downs) and Garden State Racetrack, Inc., and Santa Anita Raceway for the simulcasting of horse races, — was placed on file.
Papers from the Senate.

The House Bill authorizing the register of deeds of Hampden County to establish a certain pilot program (House, No. 1074, changed) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1784.

Under suspension of the rules, on motion of Mr. Scibelli of Springfield, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill relative to certain financial provisions for the city of Lawrence (Senate, No. 1764) (reported on a petition), passed to be engrossed by the Senate, was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Blanchette of Lawrence, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, in concurrence.

A Bill establishing a certain funding schedule for the city of Melrose retirement system (Senate, No. 1773) (on Senate, No. 1744), passed to be engrossed by the Senate, was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Blanchette of Lawrence, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, in concurrence.

Bills

Making certain corrections to a certain retirement allowance (Senate, No. 1568) (reported on a petition);

Prohibiting the charging or levying of certain fees on congressionally chartered veteran's organizations (Senate, No. 1778) (reported on a petition);

Prohibiting use of social security numbers on Massachusetts drivers licenses and identification cards (Senate, No. 1779, amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. The fourth paragraph of section 8 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence: — The registrar shall not issue a new, renewal, or replacement license bearing the social security number of the licensee unless otherwise required by federal or state law."
SECTION 2. Section 8E of said chapter 90, as so appearing, is hereby amended by inserting after the first sentence the following sentence: — The registrar shall not issue a new, renewal, or replacement identification card bearing the social security number of the registrant.” (reported on a petition); Severely passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills
Relative to the rights of children in certain divorce proceedings (Senate, No. 736) (reported on a petition);
Authorizing the town of Easton to convey a certain parcel of conservation land to the water division of the department of public works (Senate, No. 1709) (reported on a petition) [Local Approval Received]; and
Further regulating the execution of mortgage discharges and related instruments (printed as House, No. 2939, amended by striking out all after the enacting clause and inserting in place thereof the following:
“SECTION 1. Chapter 183 of the General Laws is hereby amended by inserting after section 54A the following section: —
Section 54B. A deed of release or written acknowledgement of payment or satisfaction of the debt thereby secured or a release, partial release or assignment of mortgage executed before a notary public, justice of the peace or other officer entitled by law to acknowledge instruments, whether executed within or without the commonwealth, by a person purporting to hold the position of president, vice president, treasurer, clerk, secretary, cashier, loan representative, principal, investment, mortgage or other officer, agent, asset manager, or other similar office or position, including assistant to any such office or position, of the entity holding record title thereto on behalf of such entity acting in its own capacity or as a general partner or co-venturer of the entity holding record title, shall be binding upon such entity and shall be entitled to be recorded or filed, and no vote of the entity affirming such authority shall be required to permit recording or filing.
SECTION 2. The provisions of section 1 shall apply to deeds of release, acknowledgements, assignments, or releases executed prior to, on or after the effective date of this act.”) (reported on a petition);
Severally passed to be engrossed by the Senate, were read; and they were placed in the Orders of the Day for the next sitting for a second reading.

Reports
Of the committee on Taxation, asking to be discharged from further consideration
Of the petition (accompanied by bill, Senate, No. 1239) of Robert A. Havern, Frederick E. Berry, Robert A. Durand, Nancy Achin Sullivan, Jane M. Swift, Richard R. Tisei, Robert C. Buell and the Associated Industries of Massachusetts, by Richard E. Mastrangelo,
senior vice president and general counsel, for legislation to extend
the investment tax credit; and
Of the petition (accompanied by bill, Senate, No. 1260) of William
R. Keating for legislation to make certain changes in the corporate
tax;
And recommending that the same severally be referred to the
Senate committee on Ways and Means.
Severally accepted by the Senate, were considered forthwith,
under Rule 42; and they were accepted, in concurrence, insomuch
as relates to the discharge of the committee.

Reports of Committees.

By Mr. Finneran of Boston, for the committee on Ways and
Means, that the Resolve extending the time within which the special
commission established to make an investigation and study of
financial services offered to consumers by depository and non-
depository institutions shall file its final report and increasing its
scope (Senate, No. 1562) ought to pass.
Under suspension of the rules, on motion of Mr. Nagle of
Northampton, the resolve was read a second and a third time
forthwith; and it was passed to be engrossed, in concurrence.

By Mr. Rushing of Boston, for the committee on Local Affairs,
on a petition, a Bill relative to the proceeds of certain bonds in the
town of Brewster (House, No. 6314), which was read [Local
Approval Received].
Under suspension of the rules, on motion of Mr. Teague of
Yarmouth, the bill was read a second and (having been reported by
the committee on Bills in the Third Reading to be correctly drawn)
a third time forthwith; and it was passed to be engrossed. Sent to
the Senate for concurrence.

By Miss O'Brien of Easthampton, for the committee on Counties
on the part of the House, that the Bill facilitating the financing and
development of a new criminal detention facility and boot camp in
Berkshire County (House, No. 6311) ought to pass. Referred, under
Rule 33, to the committee on Ways and Means.

By Mr. Jordan of Springfield, for the committee on Housing and
Urban Development, on a petition, a Bill further regulating the
rental voucher program for the Commonwealth until April one,
nineteen hundred and ninety-three (House, No. 6169). Read; and
referred, under Rule 33, to the committee on Ways and Means.

By Mr. Finneran of Boston, for the committee on Ways and
Means, that the Bill providing that the Division of Capital Planning
and Operations be authorized to lease a certain parcel of land in
the city of Cambridge under the control of the Metropolitan District
Commission (House, No. 2199) ought to pass with an amendment.
By the same member, for the same committee, that the Bill for
consumer protection through the regulation of the sale and
dispensing of hearing aids, the licensing of hearing aid specialists and apprentices (House, No. 5721) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 6349).

Severally placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill authorizing the reinstatement of John J. Balboni as a member of the fire department of the town of Billerica (House, No. 5544) [Local Approval Received].

By the same member, for the same committee, on House, No. 6286, a Bill relative to inspectors of plumbing, sealers and deputy sealers of weights and measures in the town of Wrentham (House, No. 6350) [Local Approval Received].

Severally read; and placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measures.

The engrossed Bill establishing a model water and sewer commission (see House, No. 5642, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 69 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing the United States Naval shipbuilding museum corporation (see House, No. 6032), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 69 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills
Relative to the practice of public accountancy (see House, No. 5897) (which originated in the Senate);
Relative to the penalty for assaults upon employees of correctional institutions (see House, No. 3142);
Authorizing the city of Newton to arrange for an employee disability insurance policy (see House, No. 5306);
Relative to the notification of excavation of state highways (see House, No. 5887);
Establishing a funding schedule for the retirement system of the city of Peabody (see House, No. 6043);
Authorizing the city of Gloucester to pay a certain unpaid bill (see House, No. 6182);
Providing for recall elections in the town of Millbury (see House, No. 6234);
Providing for referendum petitions and elections in the town of Millbury (see House, No. 6235);
Relative to the regulation of carriage horses (see House, No. 6259); and
Establishing a funding schedule for the retirement system of the city of Salem (see House, No. 6271);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The engrossed Bill providing for an early retirement incentive program for certain employees (see House, No. 6203, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 6344), was considered.
The amendment recommended by the Governor was considered in the following form:
By striking out section 2 and section 6.
The committee on Bills in the Third Reading reported that the amendment recommended by His Excellency the Governor ought not to be adopted; and the report was accepted.
The amendment then was rejected. Sent to the Senate for its action.

Senate bills
Providing criminal penalties for assault and battery on a mentally retarded person (Senate, No. 107);
Relative to the certificate of result of analysis of narcotic drugs, poisons, drugs, medicines or chemicals (Senate, No. 399);
Relative to the establishment of precincts in the town of Dartmouth (Senate, No. 1455);
Relative to the licensing and keeping of dogs in the town of Millis (Senate, No. 1630);
Providing for the election of a mayor in the city known as the town of Methuen and establishment of limitation of terms of town councillors (Senate, No. 1739); and
Exempting the position of director of veterans’ services of the city of Pittsfield from the civil service law (printed as House, No. 5527);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Authorizing the Division of Capital Planning and Operations to convey to the Massachusetts Bay Transportation Authority certain land in the city of Somerville for the construction of a bridge for eastern route rail over the Mystic River (House, No. 1407);

Relative to the taxation of certain charitable mental health corporations (House, No. 1814, changed) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the board of trustees of the Norfolk County Agricultural School (House, No. 3132);

Authorizing certain agreements between the Merrimack Valley Planning Commission and cities and towns (House, No. 3759);

Prohibiting standees on school buses (House, No. 3776) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Hinsdale to hold a special election for the purpose of approving an appointed board of health (House, No. 5027);

Relative to the Massachusetts Municipal Wholesale Electric Company (House, No. 5438, amended);

Relative to the board of water commissioners of the city of Springfield (House, No. 5457) (its title having been changed by the committee on Bills in the Third Reading);

Providing for the appointment of cemetery commissioners in the town of Sutton (House, No. 5757);

Exempting certain clerical positions in the town of Billerica from the provisions of the civil service law (House, No. 5860) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the conveyance of a certain parcel of land in the town of Barnstable (House, No. 5937);

Providing for recall elections in the town of Chester (House, No. 6066);

Authorizing the town of Rockport to lease a certain building for fifty-five years (House, No. 6137, changed);

Establishing the position of executive administrator in the town of Dartmouth (House, No. 6188, changed);

Relative to the position of town administrator in the town of Becket (House, No. 6189);

Providing for recall elections in the town of Sheffield (House, No. 6192) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Mashpee to convey a certain parcel of conservation land (House, No. 6240);
Authorizing the conservation commission of the town of Palmer to sell forest and agricultural products (House, No. 6242);
Relative to the control of town property in the town of Stoneham (House, No. 6292) (its title having been changed by the committee on Bills in the Third Reading); and
Establishing a funding schedule for the contributory retirement system of the city of Attleboro (House, No. 6317) (its title having been changed by the committee on Bills in the Third Reading); and
The House Resolve reviving and continuing the special commission established to make an investigation and study relative to veterans' affairs in the Commonwealth (House, No. 6213, amended);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the Schooner Ernestina Commission (House, No. 6291) was read a third time. The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.
The bill then was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill authorizing the exchange of certain parcels of land in the town of Norfolk between the conservation commission and the board of selectmen of said town (Senate, No. 1755, changed) was read a third time.
The committee on Bills in the Third Reading reported recommending that the bill be amended in section 1 by striking out, after the word "Commission," in line 2, the words "and subject to the approval of the secretary of environmental affairs," (inserted by change).
The amendment was adopted; and the bill (Senate, No. 1755, changed and amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

The Senate Bill authorizing the conservation commission of the town of Norwood to grant a certain utility easement (Senate, No. 1774, changed) was read a third time.
The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out, after the word "Norwood," in line 1, the words "subject to the approval of the secretary of environmental affairs," (inserted by change).
The amendment was adopted; and the bill (Senate, No. 1774, changed and amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.
The House Bill authorizing the town of Saugus to convey certain open-space land (House, No. 6297, changed) was read a third time. The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out, after the word "authorized", in line 1, the words "subject to the approval of the secretary of environmental affairs" (inserted by change). The amendment was adopted; and the bill (House, No. 6297, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Ms. Tracy of Boston, —

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty-one minutes before twelve o'clock noon, on motion of Ms. Tracy (Mr. Finneran of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.