
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 place our trust in You, in the Wisdom of Your Ways, and in Your goodness. We are grateful for the personal concern which You have for our material and spiritual well-being. In this changing and competitive world, we pray for the gift of wisdom for our elected leaders, for excellence in our educational and research centers and institutions, for fairness and justice in our economic and judicial systems, and for an appreciation of people's moral and ethical codes. Teach us to live in peace and harmony in our neighborhoods and communities.

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.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to enabling the State Treasurer to issue and sell certain bonds (House, No. 5261) was filed in the office of the Clerk prior to today's sitting.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Resolutions.

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

Resolutions (filed by Mr. Gonsalves of Dartmouth) congratulating John George, Jr., of Dartmouth on being honored as "Citizen of the Year" by the Dartmouth Lions Club; and

Resolutions (filed by Representatives Rushing of Boston, Fox of Boston, Jordan of Springfield, Merced of Boston, Owens-Hicks of Boston and Thompson of Cambridge) on the occasion of the twenty-first annual national convention of Tuskegee Airmen, Inc., August tenth through sixteenth, nineteen hundred and ninety-two;

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. Gonsalves, 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 Messrs. Connolly of Everett, Cass of Wakefield, Galvin of Canton, Haley of Weymouth, Kafka of Sharon and Mariano of Quincy) memorializing the Congress of the United States to enact legislation to provide funding for the cleanup of Boston Harbor 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. Connolly, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual and Special Reports.

The annual report of the Commissioner of the Division of Capital Planning and Operations (under Section 40D of Chapter 7 of the General Laws) relative to the progress of all capital facility projects subject to the jurisdiction of said division; and

A report 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 month of January, 1992; Severally sent to the Senate for its information.

Annual reports

Of the State Lottery Commission (under Section 38 of Chapter 10 of the General Laws) relative to the operation of the game commonly called Beano and the operation of charity games for the year 1991; and

Of the Worcester Regional Transit Authority (under Section 8 (g) of Chapter 161B of the General Laws) of its operations for the fiscal year ending June 30, 1991; Severally placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Bump of Braintree, petition (subject to Joint Rule 12) of Suzanne M. Bump for legislation to increase the fees paid to medical examiners for examination of bodies intended for cremation.

By Mr. Ciampa of Somerville, petition (subject to Joint Rule 12) of Vincent P. Ciampa and another relative to the by-laws of corporations.

By Mr. Coon of Andover, petition (subject to Joint Rule 12) of Gary M. Coon and Patricia McGovern for legislation to authorize the Division of Capital Planning and Operations to acquire certain parcels of land in the town of Andover and the city of Lawrence.

By Mr. Dempsey of Haverhill (by request), petition (subject to Joint Rule 12) of Enrico Sasso relative to further regulating the election of retirement options for public employees.
By Mr. DiMasi of Boston, petition (subject to Joint Rule 12) of Salvatore F. DiMasi relative to liability for violations of the State Building Code.

By Ms. Donovan of Woburn, petition (subject to Joint Rule 12) of Carol A. Donovan and another relative to real estate tax exemptions for spouses of certain veterans.

By Mr. Forman of Plymouth, petition (subject to Joint Rule 12) of Peter Forman, Robert Kraus and Edward P. Kirby for legislation to authorize the Division of Capital Planning and Operations to acquire certain parcels of land in the towns of Kingston and Plymouth.

By Mr. Giglio of Medford, petition (subject to Joint Rules 12 and 9) of Anthony P. Giglio and another for legislation to increase the amount of death benefits paid by the Medford Police Relief Association, Incorporated.

By Mr. Hayward of Lynn, petition (subject to Joint Rule 12) of Jeffery J. Hayward and another for legislation to require banks to issue quarterly mortgage statements.

By Mr. Hermann of North Andover, petition (subject to Joint Rule 12) of Joseph N. Hermann for legislation to designate a portion of state highway Route 114 in the towns of Middleton and North Andover and the city of Lawrence as the Vietnam Veterans Memorial Highway.

By Mr. Hodgkins of Lee, petition (subject to Joint Rule 12) of Christopher J. Hodgkins, Jane M. Swift, Daniel E. Bosley, Shaun P. Kelly and Peter J. Larkin for payment from the state treasury of a certain sum of money to Ashmere Manor Nursing Home Inc.

By Mr. Hynes of Marshfield (by request), petition (subject to Joint Rule 12) of Joseph Galgana relative to the appointment of harbor masters.

By Mr. Landers of Palmer, petition (subject to Joint Rule 12) of Patrick F. Landers III relative to the installation, repair or maintenance of underwater hydro electric facilities by scuba divers.

By Mr. Magnani of Framingham, petition (subject to Joint Rule 12 of David P. Magnani for legislation to promote employee ownership in privatization efforts or projects.

By Mr. Mara of Brockton, petition (subject to Joint Rule 12) of Francis G. Mara for legislation to limit occupancy of elderly housing projects to elderly persons.

By Mr. McIntyre of New Bedford (by request), petition (subject to Joint Rule 12) of Benedetto DeBalsi relative to certain workers compensation benefits paid to permanent and totally incapacitated workers.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli, Larry F. Giordano, Edward A. LeLacheur and Brian S. Dempsey relative to tuition exemption programs for public institutions of higher learning.

By Mr. Morrissey of Quincy, petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to include full-time shellfish constables under the provisions of Group 4 of the contributory retirement system for public employees.
By Mr. Reinstein of Revere, petition (subject to Joint Rule 12) of William G. Reinstein for legislation to establish an income tax deduction for water and sewer charges.

By Mr. Rohan of Holyoke, petition (subject to Joint Rule 12) of Robert J. Rohan for legislation to authorize the Registrar of Motor Vehicles to deny a license or junior operator's license to minors who fail to present a certificate of high school graduation or certain other documentation upon application for such license.

By the same member, petition (subject to Joint Rule 12) of Robert J. Rohan for legislation to authorize the Holyoke Division of the District Court Department of the Trial Court to establish a sick leave bank for Mary Ann Healy, an employee of said court.

By the same member, petition (subject to Joint Rule 12) of Robert J. Rohan for legislation to authorize the Trial Court Department to establish a sick leave bank for John T. Lunardini, a probation officer of said court.

By Mr. Stoddart of Natick, petition (subject to Joint Rule 12) of Douglas W. Stoddart relative to claims against a decedent's estate.

By the same member, petition (subject to Joint Rule 12) of Douglas W. Stoddart relative to motions to suppress evidence in criminal cases.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis relative to credit insurance on unpaid balances of charge card agreements.

By the same member, petition (subject to Joint Rule 12) of Philip Travis for payment from the state treasury of a certain sum of money to Theodore and Hazel Mohr of the town of Norton for future special needs costs of a mentally ill and retarded adopted daughter.

By Mr. Walsh of Peabody, petition (subject to Joint Rule 12) of Thomas P. Walsh, Sally P. Kerans and Frederick E. Berry for legislation to authorize the Division of Capital Planning and Operations to sell the McVann-O'Keefe Rink in the city of Peabody to said city.

By Mr. Woodward of Walpole, petition (subject to Joint Rule 12) of Francis H. Woodward, William R. Keating, Patricia McGovern and Gregory W. Sullivan for legislation to require the presence of lifeguards at pools in recreational campgrounds.

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

Reports of Committees.

By Ms. Schur of Newton, for the committee on Federal Financial Assistance, asking to be discharged from further consideration.

Of the petition (accompanied by resolutions, House, No. 4656) of Rosaire Rajotte for adoption of resolutions by the General Court memorializing the Congress of the United States to enact legislation requiring national compulsory automobile insurance, — and recommending that the same be referred to the committee on Insurance; and
Of the petition (accompanied by resolutions, House, No. 907) of J. James Marzilli, Jr., for the adoption of resolutions calling on the Governor to enter into interstate no-raiding contracts relative to the offering of tax incentives, — and recommending that the same be referred to the committee on Taxation;

By Mr. Walsh of Agawam, for the committee on Government Regulations, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 336) of Robert A. Durand, J. James Marzilli, Jr., Byron Rushing, Daniel J. Valianti and David B. Cohen for legislation relative to the filing of environmental impact reports by hydropower generating facilities, — and recommending that the same be referred to the committee on Energy;

By Ms. Buell of Greenfield, for the committee on Health Care, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3003) of David B. Cohen, other members of the House and another relative to the access of minors to certain health services, — and recommending that the same be referred to the committee on the Judiciary; and

Of the petition (accompanied by bill, House, No. 2453) of Francis H. Woodward relative to the construction of a professional office building in the town of Norfolk, — and recommending that the same be referred to the committee on State Administration;

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1142) of Jonathan L. Healy, Daniel E. Bosley, Jane M. Swift, Stanley C. Rosenberg, Carmen D. Buell and Robert D. Wetmore for legislation to provide for the takeover by the Commonwealth of the Franklin County Jail, — and recommending that the same be referred to the committee on Counties;

Of the petition (accompanied by bill, House, No. 1141) of Kevin W. Fitzgerald that the Secretary of Human Services be directed to provide for a statewide health care telephone information and referral service, — and recommending that the same be referred to the committee on Health Care; and

Of the petition (accompanied by bill, House, No. 571) of Kevin W. Fitzgerald for legislation to establish a youth services and supportive services program for residents of public housing, — and recommending that the same be referred to the committee on Housing and Urban Development.

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

At six minutes after eleven o'clock A.M., on motion of Mr. Cox of Lowell (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 Mr. Voke of Chelsea in the Chair.

Orders of the Day.

The House Bill providing for voter registration in the course of the annual listing of residents (House, No. 3353) was considered. Pending the question on ordering the bill to a third reading, Mr. Moore of Uxbridge moved that it be referred to the committee on Ways and Means.

After debate Mr. Businger of Brookline asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Voke of Chelsea), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. Subsequently a count showed that 85 members were in attendance.

After remarks on the motion to refer the bill to the committee on Ways and Means, the sense of the House was taken by yeas and nays, at the request of Mr. Businger; and on the roll call 110 members voted in the affirmative and 27 in the negative.

[See Yea and Nay No. 61 in Supplement.]

Therefore the bill (House, No. 3353) was referred to the committee on Ways and Means.

Subsequently Mr. Hodgkins of Lee asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

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

The House Bill conforming the General Laws to the Constitutional amendment abolishing the state census (House, No. 3355) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Moore of Uxbridge moved that it be referred to the committee on Ways and Means.

After remarks, 32 members voted in the affirmative and 5 in the negative.

The sense of the House then was taken by yeas and nays, at the request of Mr. Businger of Brookline; and on the roll call (Mrs. Menard of Somerset in the Chair) 89 members voted in the affirmative and 47 in the negative.

[See Yea and Nay No. 62 in Supplement.]

Therefore the bill (House, No. 3355) was referred to the committee on Ways and Means.
The House Bill authorizing the city of Springfield to lease the former Howard Street Armory to the South End Community Center (House, No. 4994) was read a second time; and it was ordered to a third reading.

Report of a Committee.

Mr. Finneran of Boston, for the new committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1414) of the House Bill providing for an early retirement incentive program for state employees (House, No. 2000), reports, in part, a Bill providing for a cost of living adjustment for state and municipal retirees (House, No. 5260).

Under suspension of Rule 42, on motion of Mr. Finneran, the report (having been approved by the committee on Bills in the Third Reading) was considered forthwith.

On the question on acceptance of the report of the new committee of conference, the sense of the House was taken by yeas and nays, at the request of Mr. Blanchette of Lawrence; and on the roll call 143 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 63 in Supplement.]

Therefore the report of the new committee of conference was accepted. The report then was sent to the Senate for concurrence.

Subsequently Mr. Henry of Beverly asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MADAM SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

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

Subsequently Mr. Cruz of West Bridgewater asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MADAM SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House attending a meeting with the Commissioner of the Department of Environmental Management. Had I been present when the vote was taken, I would have voted in the affirmative.

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

Order.

On motion of Mr. Karol of Attleboro, —

Ordered. That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.
Mr. Businger of Brookline then moved that as a mark of respect to the memory of Joseph Silvano, a member of the House from Brookline from 1953 to 1960, and a member of the Massachusetts Senate from 1960 to 1962, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at nine minutes after two o'clock P.M. (Mrs. Menard of Somerset 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 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:

Eternal God, the ultimate source of goodness and compassion, we pause to consider Your reality, our relationship to You and to our neighbors. Teach us to look for the good will and good intentions in others, even when we disagree with them on sensitive political, religious and social issues and legislation. Help us in our effort to communicate to the electorate realistic and sensible societal goals during these changing times. May we join together in a common effort to serve the common good of all.

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.

Resolutions.

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

- Resolutions (filed by Mr. Binienda of Worcester) congratulating Reverend Chester J. Janczukowicz on the occasion of his elevation to the rank of Monsignor;
- Resolutions (filed by Mr. Casey of Winchester) congratulating Nancy Kerrigan on the occasion of her winning a Bronze Medal at the nineteen hundred and ninety-two Olympics;
- Resolutions (filed by Messrs. DeLeo of Winthrop and Serra of Boston) congratulating the Honorable Joseph V. Ferrino, First Justice of the District Court Department of the Trial Court, East Boston Division, on the occasion of his retirement;
- Resolutions (filed by Representatives Menard of Somerset and Travis of Rehoboth) commending John E. McCarthy, Superintendent of the Swansea public schools, on the occasion of his retirement; and
- Resolutions (filed by Mr. Sullivan of Norwood) commending James R. Savage, Superintendent of the Norwood public schools, on the occasion of his retirement; and
- Resolutions (filed by Mr. Tobin of Quincy) congratulating Mary T. McLellan on the occasion of her retirement;

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. Travis,
the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Special Report.

A special report of the Commissioner of Administration (under authority of Section 4 of Chapter 7 of the General Laws) relative to improving state tax administration (House, No. 5262) was referred to the committee on Taxation. Sent to the Senate for concurrence.

Petitions.

Petitions (deposited with the Clerk previously to five o’clock in the afternoon on Wednesday, November 6, 1991) were transmitted to the State Secretary under Chapter 3 of the General Laws, as follows:

By Mr. Cox of Lowell, petition (subject to Joint Rule 9) of the Mutual Savings Central Fund, Inc., and John F. Cox relative to the election of the directors of said fund.

By Mr. Rushing of Boston, petition (subject to Joint Rule 9) of Byron Rushing, Shirley Owens-Hicks, Gloria L. Fox and Nelson Merced for legislation to establish a new city of the Commonwealth from various precincts of the city of Boston.

By Mr. Scibelli of Springfield, petition (subject to Joint Rule 9) of Anthony M. Scibelli that the City Library Association of Springfield be authorized to charge admission fees for certain museums.

Papers from the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 1440) of William R. Keating for legislation relative to workers compensation. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 1441) of William R. Keating for legislation relative to high school graduation dates. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 1442) of William R. Keating, Louis L. Kafka, Marianne Brenton, Robert L. Hedlund, Douglas W. Stoddart, Edward L. Burke, Forrester A. Clark, Jr., Peter I. Blute, Robert D. Hawke, David P. Magnani and Frederick E. Berry for legislation to permit cities and towns to establish recreation and park self-supporting service revolving funds. To the committee on Local Affairs.

Petition (accompanied by bill, Senate, No. 1443) of W. Paul White and M. Joseph Manning for legislation relative to police cadets. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1447) of William R. Keating and William C. Galvin for legislation relative to the disposition of certain state owned property at the so-called Workers’ compensation.

High school graduation dates.

Recreation and revolving funds.

Police cadets.

Canton, Blue Hills Reservation.
Petition (accompanied by bill, Senate, No. 1444) of William R. Keating for legislation to ensure the uniform application of taxation of mutual funds;

Petition (accompanied by bill, Senate, No. 1445) of William R. Keating for legislation to ensure uniform tax treatment of regulated investment companies and their shareholders; and

Petition (accompanied by bill, Senate, No. 1446) of William R. Keating for legislation to provide tax assistance for certain disabled veterans;

Severally to the committee on Taxation.

Petition (accompanied by bill, Senate, No. 1448) of William R. Keating for legislation relative to transportation infrastructure improvements. To the committee on Transportation.

The fifteenth report of the Massachusetts Capital Resource Company (under Section 20 of Chapter 816 of the Acts of 1977) relative to its activities for the period ending December 31, 1991 (Senate, No. 1439) was referred, in concurrence, to the committee on Taxation.

Notice was received that the President of the Senate had appointed Senators Jajuga of the Third Essex District and Berry of the Second Essex District to the special commissions established (under the provisions of Chapter 3 of the Resolves of 1991) to make an investigation and study relative to revising the vehicle emissions inspections and maintenance program subject to the requirements of the Federal Clean Air Act; and to make an investigation and study relative to implementation of California emission standards in the Commonwealth.

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 following petitions:

Petition (accompanied by bill) of Paul Kollios, Lois G. Pines and J. James Marzilli, Jr., for legislation to prohibit unnecessary institutionalization in certain state facilities. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Thomas M. Petrolati, Martin J. Dunn and another for legislation to further regulate disability pensions. 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.

Orders of the Day.

The House Bill authorizing the city of Springfield to lease the former Howard Street Armory to the South End Community Center
of Springfield, Inc. (House, No. 4994) (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; and it was passed to be engrossed. Sent to the Senate for concurrence.

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.; when the House adjourns tomorrow, 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 the next sitting.

At seventeen minutes after eleven o'clock A.M., on motion of Mr. Travis of Rehoboth (Mrs. Menard of Somerset being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.
Thursday, March 5, 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:

God, our Creator, we believe in You and in Your personal concern for our well-being. Enlighten our minds and strengthen our wills to accept and to implement in our daily living the values and precepts which You have made known to us. Grant us the patience to evaluate the political and social issues of the day and the good sense to plan for the future well-being of the people and the Commonwealth. Teach us to learn from past successes and failures in our search for a just and peaceful society.

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.**

Resolutions (filed with the Clerk by Mr. Manning of Milton) congratulating William P. Carrigan were referred, under Rule 85, to the committee on Rules.

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

**Papers from the Senate.**

A Bill authorizing the town of Natick to borrow money for removal of underground fuel storage tanks and related costs (Senate, No. 1415) (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 the next sitting for a second reading.

Reports

Of the committee on Education, Arts and Humanities, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 257) of Charles E. Shannon and W. Paul White for legislation relative to the awarding of contracts for school pupil transportation services; and
Of the petition (accompanied by bill, Senate, No. 1421) of Martin J. Dunn and George Verelas for legislation to designate English as the official language of the Commonwealth;
And recommending that the same severally be referred to the committee on State Administration.
Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:
Petition (accompanied by bill, Senate, No. 1449) of Stanley C. Rosenberg, Carol C. Cleven, Daniel J. Valianti and J. James Marzilli, Jr., for legislation to provide state funding of summer sessions and evening classes in public higher education institutions. To the committee on Education, Arts and Humanities.
Petition (accompanied by bill, Senate, No. 1450) of Stanley C. Rosenberg for legislation to regulate campaign contributions. To the committee on Election Laws.

Reports of a Committee.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill to encourage the full funding of public pension systems (House, No. 4162) [Representative Evans of Wayland dissenting].
By the same member, for the same committee, on House, No. 4588, a Bill to establish a funding schedule for the Worcester County retirement system (House, No. 5268).
Severally read; and referred, under Rule 33, to the committee on Counties on the part of the House.

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. 3642), which was read.
Under suspension of Rule 41, on motion of Mr. Karol of Attleboro, the bill was read a second time forthwith.
Pending the question on ordering the bill to a third reading, the same member moved that it be amended by substitution of a bill with the same title (House, No. 5264), which was read.
The amendment was adopted; and the substituted bill was ordered to a third reading.
Under suspension of the rules, on motion of Mr. Karol, 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. The bill (House, No. 5264) then was sent to the Senate for concurrence.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on House, No. 5146, a Bill to establish a funding schedule
for the town of Weymouth contributory retirement system (House, No. 5263), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Haley of Weymouth, 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 establishing a funding schedule for the retirement system of the town of Weymouth. Sent to the Senate for concurrence.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill repealing legislation exempting the office of chief of police of the city of Pittsfield from the civil service laws (House, No. 5148) [Local Approval Received]. Read; and placed in the Orders of the Day for the next sitting for a second reading.

**Paper from the Senate.**

Mr. Merced of Boston being in the Chair, — a petition of Frederick E. Berry for legislation to clarify the priority status of common expense liens in condominiums, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Housing and Urban Development.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1451) was referred, in concurrence, to the committee on Housing and Urban Development.

Mr. Jordan of Springfield, for said committee, then reported on the foregoing petition, a Bill clarifying the priority status of common expense liens in condominiums (printed as Senate, No. 1451), which was read.

Under suspension of Rule 41, on motion of the same member, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Draisen of Boston moved that further consideration thereof be postponed until Wednesday, March 11; and the motion to postpone was negatived.

The bill then was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Jordan, 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, its title having been changed by said committee to read: An Act relative to the priority status of common expense liens in condominiums. The bill (printed as Senate, No. 1451) then was sent to the Senate for concurrence.

At twenty-seven minutes before twelve o'clock noon, on motion of Mr. Flaherty of Cambridge (Mr. Merced 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.

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

Gracious God, Your goodness and compassion are reflected in the daily living and actions of many people whom we meet each day. Thanks to You, a neighborly spirit and a concern for others is alive and well in our communities. Inspire us to look carefully at the complex social and economic issues of the moment, but to plan for the future with confidence and creativity. Help us to embrace those changes in our society and culture which promote human dignity, utilize the talents and gifts of others for the benefit of the community, and enhance the ability of all people to achieve the destiny for which You have created them.

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.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to lowering automobile insurance rates for consumers and businesses (House, No. 5302) was filed in the office of the Clerk on Thursday last.

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

Statement Concerning Representative Hornblower of Groton.

During consideration of the Orders of the Day, Mr. Forman of Plymouth 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 Hornblower of Groton, is unable to be present in the House Chamber for today's sitting due to a commitment to accompany Vice President Quayle throughout the Commonwealth. Any roll calls that she may miss today will be due entirely to the reason stated.

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

Statement of Representative Lionett of Worcester.

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

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 sitting of Monday last due to a longstanding commitment. Any roll calls that I missed that day was due entirely to the reason stated. Had I been present for Yea and Nay Nos. 61 and 62, I would have voted in the negative. Had I been present for Yea and Nay No. 63, I would have voted in the affirmative.

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

Chamber of Deputies and Senate of Argentina.

During consideration of the Orders of the Day, the Chair (Mr. Voke of Chelsea) declared a recess subject to the call of the Chair, there being no objection; and introduced a delegation from the Chamber of Deputies and the Senate of Argentina. They were the guests of all the members of the House.

Guests of the House.

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

Resolutions (filed by Mr. Bosley of North Adams) congratulating David J. Daniels on being named Berkshire County Association for Retarded Citizens nineteen hundred and ninety-one employee of the year;

Resolutions (filed by Mr. Brett of Boston) extolling Sister Jeannette Normandin for her untiring efforts on behalf of homeless women living with AIDS or HIV;

Resolutions (filed by Messrs. Brett of Boston, Honan of Boston and Kennedy of Brockton) in support of the resolution introduced in Congress proclaiming the month of March as "Irish-American Heritage Month";

Resolutions (filed by Mr. DeFilippi of West Springfield) congratulating Sergeant Richard I. Bowe on the occasion of his being named non-commissioned officer of the year for the Massachusetts Army National Guard, 26th Yankee Division;

Resolutions (filed by Mr. Doran of Lexington) congratulating Gregory R. D'Agostino on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Morrissey of Quincy) honoring Michael S. McArdle, Past Exalted Ruler of the Quincy Lodge of Elks #943;

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. Honan of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.
Petitions.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (accompanied by bill, House, No. 5305) of Daniel E. Bosley (by vote of the town) for legislation to authorize the town of Florida to pay a certain sum of money of Gancarz's Blacktopping and to Steve Brown Trucking;

By Mr. Cohen of Newton, petition (accompanied by bill, House, No. 5306) of Theodore D. Mann (mayor), David B. Cohen, Lois G. Pines and Susan D. Schur (with the approval of the mayor and board of aldermen) for legislation to authorize the city of Newton to negotiate and arrange for the purchase of a policy or policies of disability insurance;

By Mr. Doran of Lexington, petition (accompanied by bill, House, No. 5307) of Stephen W. Doran (by vote of the town) relative to town meetings in the town of Lexington;

By Mr. Giordano of Methuen, petition (accompanied by bill, House, No. 5308) of James P. Jajuga, Larry F. Giordano and others (with the approval of the town council) for legislation to expand the size of the disability commission of the city known as the town of Methuen;

By Mr. Gonsalves of Dartmouth, petition (accompanied by bill, House, No. 5309) of Leonard Gonsalves (by vote of the town) relative to establishing a landfill capping expenses fund in the town of Dartmouth;

By Mrs. Gray of Framingham, petition (accompanied by bill, House, No. 5310) of Barbare E. Gray (by vote of the town) for legislation to authorize elected town meeting members in the town of Framingham to serve simultaneously as elected charter commission members;

By Mr. Hayward of Lynn, petition (accompanied by bill, House, No. 5311) of Jeffery J. Hayward (with the approval of the mayor and city council) for legislation to authorize the city of Lynn to place certain liens on properties in said city;

By Mr. Kennedy of Brockton, petition (accompanied by bill, House, No. 5312) of Thomas P. Kennedy (with the approval of the mayor and city council) for legislation to authorize the city of Brockton to establish a revolving fund from monies received from violations of statutes and ordinances related to the operation and control of motor vehicles;

By Mr. Krekorian of Reading, petition (accompanied by bill, House, No. 5313) of Robert C. Krekorian, Richard R. Tisei and Robert C. Buell (by vote of the town) for legislation to authorize the town of Reading to transfer the care, custody and control of certain park land from the board of selectmen acting as park commissioners to said board acting as road commissioners; and

By Mr. Woodward of Walpole, petition (accompanied by bill, House, No. 5314) of Francis H. Woodward and Daniel J. Ranieri (by vote of the town) for legislation to authorize the town of Florida,—unpaid bills.

Newton,—disability insurance.

Lexington,—town meetings.

Methuen,—disability commission.

Dartmouth,—landfill fund.

Framingham,—town meeting members.

Lynn,—property liens.

Brockton,—revolving fund.

Reading,—park land.

Medway,—easements.
Medway to grant certain easements to lay, construct, install, maintain, repair or remove and replace sewer mains; 
Severally to the committee on Local Affairs.
Severally sent to the Senate for concurrence.

Mr. Ruane of Salem presented a petition (subject to Joint Rule 12) of J. Michael Ruane relative to borrowing by the Salem and Beverly Water Supply Board; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

A report of the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 422) of Edward L. Burke and Henri S. Rauschenbach for legislation to establish a system of assistance for infants with severe neurological impairments, and recommending that the same be referred to the committee on Insurance, — accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

A petition of Thomas F. Birmingham and Edward G. Connolly (with the approval of the mayor and board of alderman) for legislation to establish a certain funding schedule for the retirement system of the city of Everett, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service. The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1453) was referred, in concurrence, to the committee on Public Service.

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 following petitions:

Petition (accompanied by bill) of Mary Jane Gibson and Emile J. Goguen for legislation to limit the liability of owners of recreational facilities. To the committee on the Judiciary.

Petition (accompanied by bill) of Mary Jane Gibson relative to zoning variances. To the committee on Local Affairs.

Petition (accompanied by bill) of Kevin Poirier and David H. Locke relative to solid waste disposal facilities. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Mary Jane Gibson for legislation to authorize the Registrar of Motor Vehicles to register certain small trucks and vans as private passenger vehicles. To the committee on Public Safety.

Under suspension of Rule 42, on motion of Ms. Gibson of Belmont, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.
Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor submitting recommendations for making emergency appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain mental retardation service and welfare assistance funding (House, No. 1000), reports, in part, a 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 (House, No. 5315).

The same member, for the same committee, on a message from His Excellency the Governor submitting recommendations for making emergency appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain mental retardation service and welfare assistance funding (House, No. 1000), reports, in part, a 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 (House, No. 5316) [Cost: $4,080,000.00].

The same member, for the same committee, on a message from His Excellency the Governor submitting recommendations for making emergency appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain mental retardation service and welfare assistance funding (House, No. 1000), reports, in part, a 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 (House, No. 5317) [Cost: $99,178,645.00].

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

Motion to Discharge the Committee on Ways and Means.

Mr. Businger of Brookline moved 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).

Under the provisions of House Rule 28, further consideration thereof was postponed until Monday, March 16.

Orders of the Day.

The Senate Bill authorizing the town of Natick to borrow money for removal of underground fuel storage tanks and related costs (Senate, No. 1415) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Stoddart of Natick, 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.
The House Bill repealing legislation exempting the office of chief of police of the city of Pittsfield from the civil service laws (House, No. 5148) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Larkin of Pittsfield, 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 placing the office of chief of police of the city of Pittsfield under the civil service law. Sent to the Senate in concurrence.

**Recesses.**

At eight minutes after eleven o'clock A.M., on motion of Mr. Cox of Lowell, the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Voke of Chelsea in the Chair.

The House thereupon, at twelve minutes after one o'clock, on motion of Mr. Miceli of Wilmington, took a further recess until twenty-five minutes after one o'clock P.M.; and at that time the House was called to order with Mr. Voke in the Chair.

**Quorum.**

Mr. Miceli then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Voke), having determined that a quorum was not in attendance, 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 (Mr. Serra of Boston being in the Chair) 126 members were recorded as being in attendance.

[See Yea and Nay No. 64 in Supplement.]

Therefore a quorum was present.

**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 establishing Congressional districts [see House, No. 1993] (for message, see House, No. 5303) was filed in the office of the Clerk on Thursday, January 23.

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".

The amendment recommended by His Excellency the Governor then was rejected.

Mr. Brett of Boston then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5304.
After debate Mr. Moore of Uxbridge moved that the amendment offered by Mr. Brett be amended in section 2 by striking out in District Two the following towns: “Northbridge, Uxbridge and Douglas” and inserting in District Three the following towns: “Northbridge, Uxbridge and Douglas”; and by striking out in District Three the following towns: “Oakham, Princeton, Rutland, Sterling, Lancaster and Harvard (in part)” and inserting in District Two the following towns: “Oakham, Princeton, Rutland, Sterling, Lancaster and Harvard (in part)”.

After debate the further amendments were rejected, by a vote of 1 to 11.

Mr. Nagle of Northampton then moved that the amendment offered by Mr. Brett of Boston be amended in section 2 by striking out District One and District Two and inserting in place thereof the following two districts:

“NUMBER ONE — The Counties of Berkshire and Franklin; in the County of Hampden the cities of Holyoke and Westfield, and the towns of Agawam, Blandford, Chester, Granville, Montgomery, Russell, Southwick, Tolland, West Springfield; in the County of Hampshire the city of Northampton, and the towns of Hadley and South Hadley; Amherst, Belchertown, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hatfield, Huntington, Middlefield, Pelham, Plainfield, Southampton, Ware, Westhampton, Williamsburg and Worthington; in the County of Worcester the city of Gardner and the towns of Ashburnham, Athol, Phillipston, Royalston, Templeton and Winchendon.

NUMBER TWO — In the County of Hampden the cities of Chicopee and Springfield, and the towns of Brimfield, Holland, Ludlow, Monson, Palmer, Wales, Wilbraham, Hampden, East Longmeadow, Longmeadow; in the county of Worcester the cities of Fitchburg and Leominster, and the towns of Barre, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Hardwick, Hubbardston, New Braintree, Northbridge, North Brookfield, Oxford, Petersham, Southbridge, Spencer (including Precinct 1, VTD 0610, Tract 7261, Blocks 209, 210, 220, 221, 303, 314 and 322, and Tract 7262; Precinct 2, VTD 0615; Precinct 3, VTD 0620, Tract 7261, Block Group 4, Blocks 118, 119, 128, 129, 134, 139, 140, 508-518, 520, 522-532, and Tract 7262), Sturbridge, Uxbridge, Warren, Webster, West Brookfield and Westminster.”

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 Mr. Nagle; and on the roll call (Mrs. Menard of Somerset being in the Chair) 24 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 65 in Supplement.]

Therefore the further amendment was rejected.

There being no objection, — Representatives Gardner of Holliston, Resor of Acton and Walrath of Stow moved that the amendment offered by Mr. Brett be amended by inserting after section 2 the following section:

“SECTION 2A. Any costs incurred by the various cities and
towns due to revisions of the new congressional districts contained in section 2 shall be borne by the commonwealth.”.

After remarks on the question on adoption of the further amendment, Mrs. Rogeness of Longmeadow asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Menard of Somerset), 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 125 members were recorded as being in attendance.

[See Yea and Nay No. 66 in Supplement.]

Therefore a quorum was present.

After remarks the further amendment offered by Ms. Gardner of Holliston, et al., was adopted.

Precinct 6, VTD 0105, Precinct 7, VTD 0110, Precinct 8, VTD 0115, Precinct 9, VTD 0120, and Precinct 10, VTD 0125); and inserting in place thereof the words "and the towns of Dartmouth."

After debate on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Cabral of New Bedford; and on the roll call 33 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 67 in Supplement.]

Therefore the further amendments were rejected.

Mr. Koczera of New Bedford then moved that the amendment offered by Mr. Brett of Boston be amended in section 2, in District Ten, by striking out, in line 257, the word "Norwell" and by inserting after the word "Fairhaven", in line 253, the word "Acushnet"; and in District Eleven by striking out, in line 261, the word "Acushnet", and by inserting after the word "Middleborough", in line 270, the word "Norwell".

After remarks on the question on adoption of the further amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Koczera; and on the roll call 17 members voted in the affirmative and 124 in the negative.

[See Yea and Nay No. 68 in Supplement.]

Therefore the further amendments were rejected.

On the question on adoption of the amendment offered by Mr. Brett of Boston, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Miceli of Wilmington; and on the roll call 128 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 69 in Supplement.]

Therefore the amendment was adopted. The bill (House, No. 1993, amended) then was sent to the Senate for concurrence.

Subsequently Mr. Lawless of Orleans asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the negative.

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

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

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

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

The engrossed Bill relative to the priority status of common expense liens in condominiums (see House bill printed as Senate, No. 1451), 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 54 to 1. 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 Speaker and sent to the Senate.

Engrossed Bill.

The engrossed Bill establishing a funding schedule for the retirement system of the town of Weymouth (see House, No. 5263) (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.

Recess.

At fourteen minutes before five o’clock P.M., on motion of Mr. Voke of Chelsea (Mrs. Menard of Somerset being in the Chair), the House recessed until half past six o’clock P.M.; and at nineteen minutes before seven o’clock the House was called to order with the Speaker in the Chair.

Emergency Measures.

The engrossed Bill providing for a cost-of-living adjustment for state and municipal retirees (see House, No. 5260), 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 38 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for an employee of the Department of Social Services (see House, No. 5264), 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 32 to 0. Sent to the Senate for concurrence.
Engrossed Bill.

The engrossed Bill establishing Congressional districts (see House, No. 1993, 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, at the request of Mr. Miceli of Wilmington; and on the roll call (Mrs. Menard of Somerset being in the Chair) 123 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 70 in Supplement.]

Therefore the bill was passed to be re-enacted, in its amended form. Mr. Brett of Boston moved that this vote be reconsidered, and, there being no objection, the motion to reconsider was considered forthwith; and it was negatived. The bill then was signed by the Speaker and sent to the Senate.

Subsequently Mr. Hodgkins of Lee asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

Mr. Speaker: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

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

Paper from the Senate.

The House report on the residue of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1414) of the House Bill providing for an early retirement incentive program for state employees (House, No. 2000), a Bill providing a local option early retirement program for municipal employees and teachers (House, No. 4999) (which had been accepted by the House), came from the Senate with the endorsement that said branch had refused to accept the report.

On motion of Mr. Finneran of Boston, the House asked for a new committee of conference on the disagreeing votes of the two branches. Representatives Finneran, Blanchette of Lawrence and Evans of Wayland then were appointed the new committee of conference on the part of the House. Sent to the Senate to be joined.

Order.

On motion of Mr. Pacheco of Taunton, — Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Congressional districts.

Bill re-enacted, — yea and nay No. 70.

Statement of Representative Hodgkins of Lee.

Municipal employees and teachers, — early retirement incentive.

New committee of conference.
At four minutes before seven o’clock P.M., on motion of Miss O’Brien of Easthampton (Mrs. Menard of Somerset being in the Chair), the House adjourned, to meet on Wednesday next at eleven o’clock A.M.
Wednesday, March 11, 1992.

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:

Infinite Spirit of Truth and Goodness, we humbly ask You to listen to our prayer of petition. Let our hearts and minds be filled with love, respect and concern, not only for friends and neighbors but for all people. Teach us to read the signs of the times, to recognize our personal and constitutional responsibilities and to address the troublesome issues which undermine the stability of our communities. As elected officials, may we have the patience to listen to the insights of others, the ability to evaluate their suggestions and the emotional and spiritual strength to propose sensible and prudent 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 of Representative Fox of Boston.

During consideration of the Orders of the Day, Ms. Fox of Boston asked unanimous consent to make a statement; and, there being no objection, she 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 official legislative business outside of the State House. Any roll calls that I missed today was due entirely to the reason stated.

Ms. Fox then moved that the statement made by her be spread upon the records of the House; and the motion prevailed.

Statement Concerning Representative Hawke of Gardner.

During consideration of the Orders of the Day, Mr. Forman of Plymouth 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 Hawke of Gardner, is unable to be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today or tomorrow will be due entirely to the reason stated.

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

Guests of the House.

During consideration of the Orders of the Day, the Chair (Mr. Voke of Chelsea) declared a recess subject to the call of the Chair, there being no objection; and introduced Jennifer Sevigney
Sevigney and Student Clerk David Vieira.

of Assonet, who has been chosen the Speaker of the Massachusetts House of Representatives for the 1992 Student Government Day program sponsored by the Department of Education; and David Vieira of Falmouth who has been chosen the Clerk of the House for the Student Government Day activities which will be held in the House Chamber on Friday, April 3.

They were the guests of the Speaker and Representatives Gonsalves of Dartmouth, Cahir of Bourne and Turkington of Falmouth.

Resolutions.

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

Henrick R. Johnson, Jr.

Dennis J. Ready.

Winthrop—basketball team.

John P. Grady.

Father Desmond Wilson.

Vietnam Veteran Year.

Cristobal D. LeClair.

James Cassidy.

Norman E. Bolger.

Cherian Mathews.

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

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 Mr. DeLeo, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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

Resolutions (filed by Mrs. Cleven of Chelmsford) congratulating Henrick R. Johnson, Jr., on the occasion of his retirement from the Chelmsford Board of Selectmen;

Resolutions (filed by Mrs. Cleven of Chelmsford) congratulating Dennis J. Ready on the occasion of his retirement from the Chelmsford Board of Selectmen;

Resolutions (filed by Mr. DeLeo of Winthrop) congratulating the Winthrop High School girls basketball team, nineteen hundred and ninety-two co-champions of the Northeastern Conference;

Resolutions (filed by Mr. Fitzgerald of Boston) honoring John P. “Coach” Grady;

Resolutions (filed by Mr. Gannon of Boston) honoring Father Desmond Wilson;

Resolutions (filed by Mr. Lambert of Fall River) on the occasion of the National Board of Directors of the Vietnam Veterans of America declaring nineteen hundred and ninety-two to be “The Year of The Vietnam Veteran”;

Resolutions (filed by Mr. Lawless of Orleans) congratulating Cristobal D. Le Clair on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Travis of Rehoboth) congratulating James “Jim” Cassidy on being inducted into the Attleboro High School Athletics Hall of Fame;

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 Mr. DeLeo, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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

Resolutions (filed by Mr. Herren of Fall River) congratulating Norman E. Bolger on the occasion of his retirement; and

Resolutions (filed by Mr. Kafka of Sharon) congratulating Cherian Mathews upon being selected as an outstanding student;

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 Mr. Herren, 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. Forman of Plymouth) relative to increasing the membership of the special committee of the House established to make an investigation and study of the conditions and treatment provided for females in the criminal justice system of the Commonwealth and other related matters (House, No. 5328) was referred, under Rule 85, to the committee on Rules.

Mrs. Menard of Somerset, 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 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. Forman, the order was considered forthwith; and it was adopted.

The Speaker thereupon announced, under the provisions of the preceding order, the appointment of Representative Lewis of Bridgewater to said committee.

Annual Report.

The annual report of the Thrift Institutions Fund for Economic Development (under Section 8(g) of Chapter 485 of the Acts of 1984) of its activities and accomplishments for the year 1991, was sent to the Senate for its information.

Papers from the Senate.

The House Bill providing for an early retirement incentive program for state employees (House, No. 2000) came from the Senate with the endorsement that said branch had concurred with the House in the appointment of a new committee of conference on the disagreeing votes of the two branches (as relates to providing a local option early retirement program for municipal employees and teachers); and that Senators Havern, White and Hedlund had been joined as the new committee on the part of the Senate.

A petition (accompanied by bill, Senate, No. 1452) of David H. Locke (by vote of the town) for legislation to authorize the granting of an easement in certain park land in the town of Wrentham, 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 following petitions:
Petition (accompanied by bill) of Michael R. Knapik and other members of the House relative to school choice programs. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Peter A. Vellucci relative to violations of controlled substances laws in the vicinity of public parks, public transit facilities and bus stops. To the committee on Criminal Justice.

Petition (accompanied by bill) of L. Scott Harshbarger, Michael P. Walsh, Francis G. Mara and Leonard Gonsalves for legislation to provide funding for the Attorney General's representation of consumers by further regulating assessments on certain utility companies. To the committee on Government Regulations.

Petition (accompanied by bill) of Mary Jeanette Murray, Paul D. Harold and others for legislation to provide suitable recognition of residents of the Commonwealth who served in the armed forces of the United States during the Persian Gulf Conflict. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Joseph B. McIntyre relative to the appointment of arborists in towns; and

Petition (accompanied by bill) of J. Michael Ruane relative to borrowing by the Salem and Beverly Water Supply Board; Severally to the committee on Local Affairs.

Petition (accompanied by bill) of Joseph B. McIntyre relative to the disposition of all fines and penalties recovered in prosecutions of violations of environmental laws. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of A. Joseph DeNucci and Paul E. Caron relative to the sport of boxing in the Commonwealth. To the committee on Public Safety.

Petition (accompanied by bill) of Daniel E. Bosley for legislation to authorize the State Retirement Board to recalculate the pension benefits of Ellen Schiff; and

Petition (accompanied by bill) of Kevin P. Blanchette and other members of the House relative to public employee pension securities and investments; Severally to the committee on Public Service.

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 Joan M. Menard relative to the operation of the game commonly called Beano. Under suspension of Rule 42, on motion of Mrs. Menard of Somerset, the report was considered forthwith. Joint Rule 12 was suspended, in each instance. Severally sent to the Senate for concurrence.
Engrossed Bills.

The engrossed Bill establishing a sick leave bank for an employee of the Department of Social Services (see House, No. 5264) (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 Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Natick to borrow money for removal of underground fuel storage tanks and related costs (see Senate, No. 1415) (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.

At nine minutes after eleven o'clock A.M., on motion of Mr. Ruane of Salem, 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 Mr. Voke of Chelsea in the Chair.

Orders of the Day.

The motion of Mr. Businger of Brookline, that the vote be reconsidered by which the House, on Thursday, February 13, concurred with the Senate in its amendment of the House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) was considered.

Pending the question on the motion to reconsider, 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.

Subsequently, the remaining matters in the Orders of the Day having been disposed of, the motion to reconsider was considered further, pending which, further consideration thereof was again postponed, on motion of Mrs. Menard of Somerset, until Monday, April 27.

The House 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 (House, No. 5315) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Marsh of Wellesley asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Voke of Chelsea), 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 133 members were recorded as being in attendance.

[See Yea and Nay No. 71 in Supplement.]

Therefore a quorum was present.
After debate the sense of the House was taken by yeas and nays, at the request of Mr. Forman of Plymouth; and on the roll call 114 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 72 in Supplement.]

Therefore the bill was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Cass of Wakefield, the bill was read a third time forthwith.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill relative to certain payments to the Commonwealth by the Massachusetts Water Resources Authority (House, No. 5329), 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 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 (House, No. 5316) was read a second time; and after remarks it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Finneran of Boston, the bill was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by adding at the end thereof the following section:

"SECTION 5. This act shall take effect upon its passage."

The amendment was adopted; and after remarks the bill (House, No. 5316, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House 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 (House, No. 5317) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Teague of Yarmouth moved that it be amended by inserting after section 5 the following section:

"SECTION 5A. Said chapter 63, as so appearing, is hereby amended by striking out in its entirety section 31C and inserting the following new section: —

Section 31C. A corporation shall be allowed a credit as hereinafter provided against its excise due under this chapter for its tax year beginning on or after January first, nineteen hundred and ninety-two and ending before December thirty-first, nineteen hundred and ninety-three. The amount of the credit shall be determined by the amount of the increase in the adjusted Massachusetts payroll costs for the tax year of such credit over such payroll costs for the tax year which began on or after January first, nineteen hundred and ninety and ended before December thirty-first, nineteen hundred and ninety-one (the base year). The
Massachusetts payroll costs are those costs of compensation and all benefits attributable to employees which are included or includible in the numerator of the payroll factor of the income apportionment formula under the provisions of section thirty-eight of this chapter. Massachusetts payroll costs shall be adjusted by deducting therefrom the following to the extent included therein:

(i) all compensation and benefits paid to employees who owned five percent or more of the combined voting stock of the corporation;
(ii) all compensation and benefits in excess of $100,000 paid to any employee;
(iii) all compensation and benefits paid to employees who were also directors of the corporation;
(iv) all compensation paid as bonuses;
(v) all deferred compensation; and
(vi) all benefit costs, including, but not limited to, health benefits and health insurance premiums, life insurance premiums, employer contributions under the Federal Insurance Contributions Act, contributions for retirement plans, unemployment and workers’ compensation insurance premiums or benefits.

The credit shall be the percentage hereinafter specified of the excise determined after reducing said excise by all other credits allowable to the corporation under this chapter, except the credit under section thirty-one H:

<table>
<thead>
<tr>
<th>Excess of adjusted Massachusetts payroll costs over base year payroll costs</th>
<th>Percentage of excise</th>
</tr>
</thead>
<tbody>
<tr>
<td>15% or more, but less than 30%</td>
<td>5%</td>
</tr>
<tr>
<td>30% or more, but less than 45%</td>
<td>10%</td>
</tr>
<tr>
<td>45% or more, but less than 60%</td>
<td>25%</td>
</tr>
<tr>
<td>60% or more, but less than 75%</td>
<td>50%</td>
</tr>
<tr>
<td>75% or more, but less than 100%</td>
<td>75%</td>
</tr>
<tr>
<td>100% or more</td>
<td>90%</td>
</tr>
</tbody>
</table>

If the corporation had no Massachusetts employees during the tax year which began on or after January first, nineteen hundred and ninety and ended before December thirty-first, nineteen hundred and ninety-one or is unable to substantiate the amount of its adjusted Massachusetts payroll costs for such year, no credit shall be allowed. In determining the amount of credit allowable under this section, the commissioner may aggregate adjusted Massachusetts payroll costs for all corporations that are members of a controlled group of corporations and for all entities, whether or not incorporated, that are under common control as defined in subsection (f) of section forty-one of the Federal Internal Revenue Code. In aggregating such payroll costs, the commissioner may also take into account acquisitions, as defined in subsection (f) of section forty-one (f) of said Code, and reorganizations, as defined in section three hundred sixty-eight of said Code.

The credit allowed under this section shall not reduce the excise to less than the amount due under subsection (b) of section thirty-two or subsection (b) of section thirty-nine or under any act in
addition thereto. The provisions of section thirty-two C of this chapter shall not apply to the credit allowed by this section. A corporation claiming a credit under this section shall furnish such information relative to the credit as may be required by the commissioner in a form approved by him, and the commissioner shall promulgate such regulations as are necessary to implement this section.”.

After debate on the question on adoption of the amendment (Mr. Serra of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Cohen of Newton, and on the roll call 44 members voted in the affirmative and 105 in the negative.

[See Yea and Nay No. 73 in Supplement.]

Therefore the amendment was rejected.

Mr. Lionett of Worcester then moved that the bill be amended by inserting after section 23 the following section:

“SECTION 23A. Notwithstanding the provisions of section (a) of section thirty-one A of chapter sixty-three of the General Laws, as appearing in the 1990 Official Edition, as amended by this Act, the credit allowed by said section for the tax year beginning on or after January first, nineteen hundred and ninety-two and ending before December thirty-first, nineteen hundred and ninety-three (in accordance with paragraph twelve of section thirty of said chapter sixty-three) shall be increased by twenty percent of the amount of property qualifying for such credit allowed for such year that is in excess of the amount of property qualifying for such credit allowed for the immediately preceding tax year. All other provisions of said section thirty-one A except subsection (g) shall apply to this additional credit. The provisions of section thirty-two C of chapter sixty-three shall not apply to the increase in credit provided by this section. Any corporation to which the increase in credit provided by this section is allowed may carry over and apply to its excise for any one or more of the next succeeding five tax years the portion, as reduced from year to year, of such increase which exceeds its excise for the tax year. In determining the amount of additional credit allowable under this section, the commissioner may aggregate the qualifying property acquired, constructed, reconstructed or erected by all corporations that are members of a controlled group of corporations and of all entities, whether or not incorporated, that are under common control as defined in subsection (f) of section forty-one of the Federal Internal Revenue Code and may make adjustments for all such property acquired as a result of acquisitions as defined in said subsection (f) of section forty-one of said Code and (ii) reorganizations as defined in section three hundred and sixty-eight of said Code.”.

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. Lionett, and on the roll call 42 members voted in the affirmative and 109 in the negative.

[See Yea and Nay No. 74 in Supplement.]

Therefore the amendment was rejected.
Subsequently Mr. Woodward of Walpole asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

Mr. Speaker: During the taking of the above yeas and nays, I was absent from the House Chamber on official business outside of the State House.

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

Ms. Evans of Wayland then moved that the bill be amended by inserting after section 5 the following section:

"SECTION 5A. Said chapter 63, as so appearing, is hereby amended by adding the following section after section 31G: —

Section 31H. A corporation shall be allowed a credit as hereinafter provided against its excise due under this chapter, for its taxable year beginning on or after January first, nineteen hundred and ninety-two and ending before December thirty-first, nineteen hundred and ninety-three. The credit hereunder shall be allowed only if such corporation qualifies for a credit for such tax year under section thirty-one C. The amount of the credit shall be equal to that amount of qualifying job training expenses and qualifying child care expenses that is not in excess of ten percent of the amount by which its excise is reduced on account of the credit allowed under section thirty-one C of this chapter for such tax year. Qualifying job training expenses are employer-provided or employer-sponsored expenses incurred for the training of employees in Massachusetts, but are limited to expenses for teachers and instructional materials and shall not include expenses for the construction, acquisition or maintenance of equipment or facilities used for training purposes. Qualifying child care expenses are employer-provided or employer-sponsored expenses for the care in Massachusetts of children of employees which expenses are not reimbursed by tuition, government grant or otherwise and do not include expenses for the construction, acquisition or maintenance of equipment or facilities used for child care purposes.

The credit allowed under this section shall not reduce the excise to less than the amount due under subsection (b) of section thirty-two or subsection (b) of section thirty-nine and under any act in addition thereto. The provisions of section thirty-two C of this chapter shall not apply to the credit allowed by this section. A corporation claiming a credit under this section shall furnish such information relative to the credit as may be requested by the commissioner in a form approved by him, and the commissioner shall promulgate such regulations as are necessary to implement this section."

After remarks the amendment was rejected.

Mr. Blute of Shrewsbury then moved that the bill be amended by inserting after section 23 the following twenty-five sections:

"SECTION 23A. 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 23B. 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 23C. 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 23D. 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 23E. 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 23F. 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 23G. 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 23H. 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 23I. 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 excess of 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 excess of 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 23J. 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 23K. 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 23L. 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 23M. 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 23N. 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 non-resident.

(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 23O. Section 4 of said chapter 62, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:

(b) Part B taxable income shall be taxed at the rate of five and three-quarters percent.

SECTION 23P. 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 23Q. 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 23R. 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 23S. 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 23T. Subsection (a) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 15, the words 'income and Part B gross income' and inserting in place thereof the following words: — Part A, Part B or Part C gross income.

SECTION 23U. 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 23V. 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 23W. 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 income or Part C income.
SECTION 23X. 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 23Y. Sections one through fourteen and sections sixteen through twenty-four shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-three. Section fifteen of this act shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-two."

After debate 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 Mr. Blute of Shrewsbury; and on the roll call 39 members voted in the affirmative and 113 in the negative.

[See Yea and Nay No. 75 in Supplement.]

Therefore the amendment was rejected.

Subsequently Mr. Woodward of Walpole asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:

MR SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business outside of the State House.

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

Mr. Forman of Plymouth then moved that the bill be amended by inserting after section 22 the following section:

"SECTION 22A. Notwithstanding the provisions of any general or special law to the contrary, the Executive Office of Consumer Affairs and the agencies, departments and commissions within said Executive Office are hereby authorized and directed to enter into interdepartmental service agreements pursuant to regulations promulgated by the Comptroller at 815 CMR 6.00 et seq., for the purpose of consolidating and streamlining the fiscal, administrative, and personnel functions within said Executive Office. Those agencies, departments and commissions are the Department of Public Utilities, Division of Insurance, Division of Banks, Energy Facilities Siting Council, State Racing Commission, Alcoholic Beverages Control Commission, Division of Standards, Board of Registration in Medicine, Division of Registration, and the Community Antenna Television Commission."

The amendment was adopted.

The same member then moved that the bill be amended by inserting after section 22A (inserted by amendment) the following section:
"SECTION 22B. Section 6A of Chapter 21 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the second paragraph, the following paragraph:

The Division of Law Enforcement is hereby authorized to assume the role of a seller department and thereafter maintain an Ad Hoc Chargeback Department status as required by 815 CMR 6.05, and any amendments thereto, for the purpose of providing special details for law enforcement coverage to other state government agencies upon the request of said agencies."

The amendment was adopted.

Mr. Forman then moved that the bill be amended by inserting after section 22B (inserted by amendment) the following section:

"SECTION 22C. Notwithstanding the provisions of any general or special law to the contrary, in the event of a disaster, as defined by regulations promulgated by the department of public welfare, the department of public welfare is hereby authorized to make payments for disaster assistance from item 4403-2100 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one; provided, that for the purposes of this section, disaster assistance shall be defined as payments for advance rent, security deposits, food, clothing, and household supplies; and provided further, that the department is hereby authorized to pay such disaster assistance retroactive to July first, nineteen hundred and ninety-one."

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by inserting after item 4170-0400 the following item:

"Department of Public Welfare.

4403-2100 ........................................... 535,000".

The amendment was adopted.

There being no objection, — Representatives Gray of Framingham, Hildt of Amesbury, Gibson of Belmont and Gardner of Holliston moved that the bill be amended in section 2A by inserting after item 1599-3990 the following item:

"1599-4000 For an independent study of emergency medical response procedures and delivery of health care services relative to T.B., HIV Virus, and Hepatitis A and B at the Massachusetts Correctional Institution - Framingham ............ 10,000".

The amendment was adopted.

Mr. Hodgkins of Lee then moved that the bill be amended in section 2A by inserting after item 1599-4000 (inserted by amendment) the following item:

"1599-5000 For the purpose of assistance related to the flood occurring on May 30, 1991 for the following communities in Southern Berkshire County: Great Barrington, Monterey, Mount Washington, New Marlborough, Sheffield, Sandisfield 500,000".

The amendment was adopted.
Mr. Morrissey of Quincy then moved that the bill be amended by inserting after section 5 the following fourteen sections:

"SECTION 5A. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, the state board of retirement, established under the provisions of section eighteen of chapter ten of the General Laws, shall establish and implement a retirement incentive for public employees, hereinafter referred to as the retirement incentive program, in accordance with the provisions of this act; provided, that, in order to be deemed eligible by said board for any of the benefit options under the retirement incentive program, an employee (i) shall be an employee of the commonwealth on the effective date of this act or shall have been a member in active service of the state retirement system on January first, nineteen hundred and ninety-two; (ii) shall be classified in Group 1 or Group 2 of said retirement system in accordance with the provisions of paragraph (g) of subdivision (2) of section three of said chapter thirty-two; (iii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five of said chapter thirty-two or subdivision (1) of section ten of said chapter thirty-two upon the date of retirement requested in his written application for retirement with said board or shall have, on such date, fifteen or more years of creditable service as defined by section four of said chapter thirty-two and shall be at least fifty years of age; (iv) shall have filed such written application with said board in accordance with section two of this act.

The total number of Group 1 employees who can receive the benefit of such early retirement program shall be limited to five thousand six hundred; the total number of Group 2 employees who can receive such benefit shall be limited to one thousand four hundred. The state board of retirement shall stamp the date and time of receipt of each application filed for retirement under this act and the early retirement approvals shall be granted in the following order: (1) Those employees who would receive the greatest percentage of their salary as a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five of said chapter thirty-two or subdivision (1) of section ten of said chapter thirty-two; and (2) where more than one employee(s) would receive the same percentage in the order in which the employee(s)' application was received. No employee shall be eligible for more than one of the incentives offered herein; and no employee may become eligible for one incentive by virtue of the application of a different incentive. Said application may be delivered in person or by mail.

Words used in this act shall have the same meaning as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. Any employee of the commonwealth who retires and receives an additional benefit in accordance with the provisions of this act shall be deemed to be retired for superannuation under the provisions of said chapter thirty-two and shall be subject to any and all provisions of said chapter.
SECTION 5B. Notwithstanding so much of the provisions of section five of said chapter thirty-two of the General Laws that require a retirement date within four months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this section, shall file his application for retirement under the provisions of this act with the state retirement board after April first, nineteen hundred and ninety-two and no later than May first, nineteen hundred and ninety-two; provided, however, that the retirement date requested shall be no earlier than March fifteenth and no later than May fifteenth, nineteen hundred and ninety-two.

In an effort to protect the system of higher education from unnecessary disruption during the spring semester, any eligible employee of an institution of higher education, as defined by the provisions of section five of chapter fifteen A of the General Laws, shall file his application for retirement within the period hereinabove required, but the retirement date requested shall be no earlier than May first, nineteen hundred and ninety-two, and no later than June thirtieth, nineteen hundred and ninety-two. The trustees of each such institution shall file a report with the house and senate committees on ways and means and a copy of said report with the joint committee on public service detailing the actual participation of said employees in the retirement incentive program; provided, that said report shall be filed by May twenty-ninth, nineteen hundred and ninety-two.

In an effort to encourage the continuity of direct care in health care institutions that are scheduled to be closed and to reward workers who choose to remain in the service of any such institution or an eligible employee in a position that is scheduled to be privatized and has been listed by the secretary of administration in a report filed in accordance with section eleven of this act, shall file his application for retirement within the period hereinabove required, but the retirement date requested shall be no earlier than March fifteenth, nineteen hundred and ninety-two and no later than the closing date of such institution or the effective date of the privatization of such position and in no event later than June thirtieth, nineteen hundred and ninety-three.

A retired employee of the commonwealth whose former position shall be listed by said secretary in a report filed in accordance with section eleven of this act and who retired on or after January first, nineteen hundred and ninety-one, and prior to the effective date of this act upon the closing of such institution or the privatization of such position may file an application to retire for superannuation and be eligible for one of the additional retirement benefits provided under the provisions of section three or four of this act; provided, however, that such application shall be filed with the state retirement board after the effective date of this act and no later than May first, nineteen hundred and ninety-two; provided further, that upon the acceptance and approval of such application by the state board of
retirement in accordance with the provisions of this section, the retirement allowance of such employee shall be recalculated as of the date on which such employee retired to reflect such additional benefit and such employee shall thereupon receive such increased allowance together with an amount equal to the difference between the allowance that the employee actually received from the date of retirement to the date of recalculation and the amount of the allowance that the employee would have received had such recalculated allowance been paid to such employee from the date of his retirement.

The retirement date requested by an employee under the provisions of this act, except as otherwise expressly provided, shall be approved by the employee's appointing authority, if any; provided, however, that neither the employee's application nor any other provision in such application shall require such approval.

SECTION 5C. An employee who is eligible for the retirement incentive program in accordance with the provisions of section one may request in his application for retirement that the state retirement board credit him with an additional retirement benefit in accordance with the provisions of this section; provided, however, that each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than five years, for the purposes of determining his superannuation retirement allowance pursuant to the provisions of paragraph (a) of subdivision (2) of section five of chapter thirty-two of the General Laws, provided, however that the superannuation retirement allowance shall be reduced on an annual basis, for the first five years following the date of retirement, by the amount of contribution that said employee made to the retirement system for the 52 weeks prior to the date of retirement.

Notwithstanding such credit, the total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of said section five of said chapter thirty-two, of any employee who retires and receives the retirement benefit provided by this act shall not exceed four-fifths of the average annual rate of his regular compensation as determined in accordance with said section five of said chapter thirty-two.

SECTION 5D. For any married employee who retires and receives an additional benefit under the provisions of this act, an election of a retirement option under the provisions of section twelve of said chapter thirty-two shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected, or (ii) a certification by the state board of retirement that such spouse has received notice of such election as hereinafter provided. If any member who is married files an election which is not so signed by his spouse, the state board of retirement shall within fifteen days notify the member's spouse by registered mail of the option election, and the election shall not take effect until thirty days following the date on which such notification is sent, and such
Supplemental
appropriations.

election may be changed by the member at any time within thirty
days, or at any other time permitted under said chapter thirty-two.
Nothing in this section shall be deemed to affect the effective date
of any retirement allowance, but in the event of any election having
been filed which is not so accompanied, the payment of any
allowance so elected shall not be commenced earlier than thirty days
after the sending by the state board of retirement of the notice
required hereunder.

SECTION 5E. The state board of retirement shall provide
retirement counseling to employees who choose to consider retiring
or who choose to retire under the retirement incentive program
established by this act. Such counseling shall include, but not be
limited to, the following: (i) a full explanation of the retirement
benefits provided by this act; (ii) a comparison of the expected
lifetime retirement benefits payable to such employee under the
retirement incentive program and under the existing provisions of
chapter thirty-two of the General Laws; (iii) the election of a
retirement option under the provisions of section twelve of said
chapter thirty-two; (iv) the restrictions on employment after
retirement; (v) the provision of health care benefits under the
provisions of chapter thirty-two A of the General Laws; (vi) the
provisions of law relative to the payment of cost-of-living
adjustments to the retirement allowance, in years in which there is
such an adjustment; and (vii) the effect of federal and state taxation
on retirement income. Each such employee shall sign a statement
that he has received such counseling or that he does not want to
receive such counseling prior to the approval by the state board of
retirement of such employee's application for superannuation
benefits and the additional benefit provided by this act.

SECTION 5F. No executive branch position vacated as a result
of an applicant's participation in the retirement incentive program
may be refilled unless the secretary of administration determines that
the position is vital to the public health, public safety, or other
critical operations of the commonwealth; provided, however, that
the total number of positions which may be refilled under the
provisions of this section shall not exceed fifteen percent of the total
number of positions vacated under the provisions of the retirement
incentive program; and, provided further any position funded by a
federal grant, trust fund or bond account may be refilled in excess
of the fifteen percent of the total number of positions so vacated by
transferring a person from a state funded position and not
refilling the position of any person so transferred. The provisions
of this section shall not apply to positions under the control of the
genral court or of any judicial department or the Board of Higher
Education; provided however, that the Chief Administrative Justice
and the Chancellor of Higher Education shall file a report with the
house and senate committees on ways and means and a copy of said
report with the joint committee on public service detailing the actual
participation of said employees in the retirement incentive program;
provided further, that said report shall be filed by May twenty-ninth,
nineteen hundred and ninety-two.
SECTION 5G. The secretary of administration and finance shall list each position made vacant by the retirement of an employee receiving an additional benefit in accordance with the provisions of this act and shall list each position made vacant by the transfer of a person from a state funded position to a federal grant, trust fund or bond account funded position in excess of the fifteen percent rehiring limitation pursuant to section seven of this act and shall file such list with the house and senate committees on ways and means and the comptroller of the commonwealth within three weeks of the effective date of this act and may supplement such list as may be deemed necessary through May thirtieth, nineteen hundred and ninety-three; provided, that, for each such position, such list shall include the line item of appropriation from section two, two A or two B of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one in which such position is funded, the name of the state agency, as defined by the provisions of section one of chapter six A of the General Laws, which is funded by such line item, the classification title of such position, the salary range for such title, and the salary payable to the person who so retired from such position.

SECTION 5H. Notwithstanding any general or special law to the contrary, no person shall be hired by a state agency, as defined by the provisions of section one of chapter six A of the General Laws, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with the provisions of this act or made vacant by transferring a person to fill a vacated federal grant, trust fund or bond account funded position pursuant to section seven of this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacations, salary in lieu of vacation, payments in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation or federal grant, trust fund or bond account to any such person on or after January first, nineteen hundred and ninety-two until June thirtieth, nineteen hundred and ninety-three; provided, however that if the secretary of administration and finance determines that a position is critical and essential to the operations or services provided by the commonwealth and provided further, that the number of such positions shall not exceed fifteen percent of the total number of positions vacated under the provisions of the retirement incentive program pursuant to section six of this act he may include such position in a schedule which shall include: (i) the classification title of each such position, (ii) the number of such positions listed in such schedule with such title, (iii) the salary range payable to each such position and, (iv) the approximate date during said fiscal period of January first, nineteen hundred and ninety-two until June thirtieth, nineteen hundred and ninety-three that said secretary shall have determined that such position shall be filled; and provided, further, that said secretary shall prepare one or more supplementary schedules in the same form if he shall determine that
any such supplementary schedule shall be necessary. Such schedule shall be filed with the house and senate committees on ways and means and said secretary may, subject to the approval of said schedule by the house committee on ways and means, fill any such positions prior to June thirtieth, nineteen hundred and ninety-three.

The secretary of administration and finance shall not create any position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to sections seven and eight of this act, before June thirtieth, nineteen hundred and ninety-three.

The comptroller of the commonwealth shall authorize the payment of any regular compensation, including paid leave, vacations, salary in lieu of vacation, payments in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to sections seven and eight of this act only pursuant to said schedule approved by the house committee on ways and means.

SECTION 51. The commissioner of the public employee retirement administration shall analyze, study, and valuate the costs and actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of section three and section four, respectively, of the retirement incentive program established by this act; provided that said commissioner shall file the report with the joint committee on public service and the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-two.

SECTION 5J. The secretary of administration shall prepare two funding schedules the first of which shall reflect the costs and actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of section three of this act and said schedule shall be designed to reduce the commonwealth's additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand and eight; and the second of which shall reflect the costs and actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of section four of this act and said schedule shall be designed to reduce the commonwealth's additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand; provided, that in preparing such schedules, the secretary shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of section ten of this act; and provided further, that said secretary shall annually update such schedule until said June thirtieth, two thousand and eight and June thirtieth, two thousand, respectively. Said secretary shall file such funding schedules with the joint committee on public service and the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-three, and shall file updates thereto annually on or before March first of each year;
provided that, if within forty-five days of each such filing none of the committees shall have taken action to disapprove such schedule or update thereto, such schedule or update shall be deemed to be approved; provided further, that if such schedule is not so approved, said secretary shall review any comments made by such committees and prepare and submit for approval in like manner another schedule. In each of the fiscal years until the actuarial liability determined under this and the preceding section of this act shall be reduced to zero, it shall be deemed an obligation of the commonwealth to fund such liability and there shall be appropriated to the pension reserve investment trust fund in each such fiscal year the amount required by the funding schedule and the updates thereto approved under the provisions of this section.

SECTION 5K. The secretary of administration shall prepare a list of each position that has been or shall be abolished and vacated on or after January first, nineteen hundred and ninety-one, due to the scheduled closing of any institution within any state agency, as defined by the provisions of section one of chapter six A of the General Laws, or due to plans for the contracting for, or the privatization of, services performed by an employee of the commonwealth in such position; provided, however, that such report shall include the number of positions so vacated or abolished, the title of each such position, the agency within which such positions are funded, and the date upon which such position has been scheduled to be so vacated or abolished; provided, further, that such report shall be filed with the joint committee on public service and the house and senate committees on ways and means on or before March sixth, nineteen hundred and ninety-two; and provided, further, that said secretary shall prepare one or more supplementary lists in the same form and submit such supplementary lists in the same form and submit such supplementary lists in the same manner, if he shall determine that such supplementary list or lists shall be necessary.

SECTION 5L. A person who retires under the provisions of this act and is eligible to receive payment in lieu of accrued vacation time, unused sick leave or any other severance payment program shall receive fifty percent of the total amount of such payments due during the fiscal year ending June thirtieth, nineteen hundred and ninety-two, and the remaining fifty percent before July thirty-first, nineteen hundred and ninety-two.

SECTION 5M. Section twenty-two A of chapter four hundred and ninety-nine of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 5N. Notwithstanding the provisions of any general or other special law to the contrary, any justice of the trial court of the commonwealth who was appointed prior to January second, nineteen hundred and seventy-five and thereby not subject to the contributory retirement provisions of section sixty-five D of chapter thirty-two of the General Laws and who had attained the age of fifty-five or older as of December thirty-first, nineteen hundred and
ninety-one, shall be eligible for a pension for life at an annual rate equal to three-fourths of the annual rate of salary payable to him at the time of such retirement. The provisions of section sixty-five A of chapter thirty-two of the General Laws, and any provisions of law referred to therein, shall be applicable to pensions awarded under the provisions of this section.

An application for a pension provided for under this section shall be filed no later than April third, nineteen hundred and ninety-two and shall include a requested retirement date of not later than October first, nineteen hundred and ninety-two; provided, however, that the selection of a retirement date other than October first, nineteen hundred and ninety-two shall be subject to the approval of the administrative justice of the applicable trial court department. This program shall be separate from the program authorized in section one of this act.”

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. Sullivan of Abington; and on the roll call 56 members voted in the affirmative and 93 in the negative.

[See Yea and Nay No. 76 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Messrs. Knapik of Westfield and Hynes of Marshfield moved that the bill be amended in section 2 by inserting after the caption “Department of Education” the following item:

“7052-8860 For grants and reimbursements to cities, towns, regional school districts and counties under the provisions of Chapter 614 of the Acts of 1985, for the removal, encapsulation or containment of asbestos in schools as approved by the division of occupational hygiene and submitted to the department 9,721,662”.

After remarks (Mr. Serra of Boston being in the Chair) the amendment was adopted.

Ms. Bump of Braintree then moved that the bill be amended by striking out sections 3 and 8.

After remarks on the question on adoption of the amendment, Mr. Draisen of Boston asked for a count of the House to ascertain if a quorum was present. The Chair, 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 134 members were recorded as being in attendance.

[See Yea and Nay No. 77 in Supplement.]

Therefore a quorum was present.

After further remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Bump; and on the roll call 71 members voted in the affirmative and 76 in the negative.

[See Yea and Nay No. 78 in Supplement.]
Therefore the amendment was rejected. 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. Hynes of Marshfield; and on the roll call 73 members voted in the affirmative and 72 in the negative.

[See Yea and Nay No. 79 in Supplement.]

Therefore the motion to reconsider prevailed.

After debate on the recurring question on adoption of the amendment offered by Ms. Bump, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 63 members voted in the affirmative and 82 in the negative.

[See Yea and Nay No. 80 in Supplement.]

Therefore the amendment was rejected.

Mr. Hall of Westford then moved that the bill be amended by inserting after section 19 the following section:

"SECTION 19A. Section 2D of Chapter 164 of the Acts of 1988 is hereby amended by inserting after the word "Westford" in line 6 of item 2150-7891 the following: — including reimbursement to the town of Westford for actual repairs made with the prior approval of the Division of Dam Safety."

The amendment was adopted.

Mr. Bradford of Rochester then moved that the bill be amended by inserting after section 8 the following section:

"SECTION 8A. Section 2E of chapter 199 of the acts of 1987 is hereby amended by inserting after the word "Hospital", in item 6010-7880, the words: — and for certain sewerage improvements in the town of Lakeville."

The amendment was adopted.

There being no objection, — Messrs. Mariano of Quincy, Morrissey of Quincy, Tobin of Quincy and Sullivan of Norwood moved that the bill be amended by inserting after section 23 the following section:

"SECTION 23A. A special commission, to consist of one member of the Senate, one member of the House of Representatives, the Commissioner of the Department of Corrections or his designee, the Deputy Commissioner of Capital Planning and Operations or his designee, the President of the Massachusetts Sheriffs Association or his designee, is hereby established for the purpose of making an investigation and study relative to the feasibility of utilizing modular floating detention facilities as a method of easing high transportation costs and overcrowding in prisons, jails, houses of correction, pre-arraignment holding facilities and pre-release facilities.

Said commission, in the course of its investigation and study shall consider the impact on the Massachusetts economy by constructing said facilities in a local shipyard. It shall also consider the lease and or lease purchase options, the benefits of a purpose built facility, the speed of delivery, and other relevant issues pertaining to constructing a state of the art floating correctional facility.

Said commission shall report to the Senate and the House of Representatives the results of its investigation and study, and any
recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, and shall file the same with the Clerk of both the Senate and the House of Representatives on or before the last day of June, nineteen hundred and ninety-two.”.

The amendment was adopted.

Mr. Mara of Brockton then moved that the bill be amended by inserting after section 9 the following section:

“SECTION 9A. Subsection (a) (8) of Section 3 of Chapter 176J of the General Laws is hereby amended by inserting at the end of the first paragraph the following:

The Commissioner shall conduct a study of the impact of the provision on age rate adjustments described in the paragraph above on the availability and affordability of health care coverage to eligible small businesses in the Commonwealth. The commissioner shall appoint representatives of carriers offering health benefit plans to eligible small businesses, at least one of whom shall represent a carrier licensed under Chapter 175, to assist in the study. The study shall commence by June first, nineteen hundred and ninety-three and conclude no later than December thirty-first, nineteen hundred and ninety-three. The Commissioner shall report the findings of the study to the Joint Legislative Committee on Insurance.”.

The amendment was adopted.

There being no objection, — Representatives Finneran of Boston, Hynes of Marshfield, Murray of Cohasset and Teague of Yarmouth moved that the bill be amended in section 2A by inserting after item 8100-0015 the following item:

“8800-0032 For grants and reimbursements to state agencies and departments, police agencies, Massachusetts National Guard, public housing authorities, county departments and agencies, mosquito control districts, cities and towns for assistance as a result of the Presidential Declaration of Emergencies, occasioned by the natural disaster of Hurricane Bob, August 19, 1991 and the October 30, 1991 ‘No Name Storm’, such assistance shall be twelve and one-half percent of the total assistance determined as eligible by the Federal Emergency Management Agency, as documented in ‘Damage Survey Reports’, according to a schedule of disbursement and prepared by the Massachusetts Emergency Management Agency, and shall include but not be limited to debris removal; protective measures; repairs, construction, reconstruction; and other measures for road and bridges, water control facilities, public buildings and public utilities, and other allowable activities, including administrative, authorized by FEMA; provided that of the sum appropriated herein, not less than one million one hundred twenty-four thousand two
hundred and sixty-two dollars shall be made available for Disaster #0920 — October 30, 1991 ‘No Name Storm’; and provided further, that an amount not to exceed two hundred thousand dollars shall be made available to the Executive Office of Environmental Affairs for activities associated with the cleanup of so called ‘Lobster Clumps’ in Massachusetts Bay 5,784,774”.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended by inserting after section 9A (inserted by amendment) the following section:

“SECTION 9B. Chapter 276 of the General Laws is hereby amended by striking out section thirty-five, as amended by section two hundred and sixty-eight of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, and inserting in place thereof the following: —

Section 35. The court or justice may adjourn an examination or trial from time to time, and to the same or a different place in the county. In the meantime, if the defendant is charged with a crime that is not bailable, he shall be committed; otherwise, he may recognize in a sum and with surety or sureties to the satisfaction of the court or justice, or without surety, for his appearance for such examination or trial, or for want or such recognizance he shall be committed. While the defendant remains committed, no adjournment shall exceed ten days at any one time against the objection of the defendant.”.

The amendment was adopted.

Mr. Manning of Milton then moved that the bill be amended in section 2A by inserting after item 0330-4100 the following item:

“0337-0100 Boston juvenile court, including not more than one hundred and three positions 35,000”.

The amendment was adopted.

There being no objection, — Messrs. Finneran of Boston and Sullivan of Abington moved that the bill be amended in section 2 by inserting after item 4170-0400 the following item:

“4170-0410 For the town of Abington, subject to the approval of the commissioner of veterans’ services, for reimbursement under the provisions of section six of chapter one hundred and fifteen of the General Laws for veterans benefits paid by said town from January, nineteen hundred and eighty-eight through June, nineteen hundred and ninety; provided, further, that as a condition of said reimbursement said commissioner shall require the town of Abington to present evidence that said sum was paid in compliance with the provisions of section five of chapter one hundred and fifteen of the General Laws 111,827”.

The amendment was adopted.
Mr. Finneran then moved that the bill be amended in section 2 by inserting after item 8100-0002 the following item:

"8900-0008 For the operating costs of the county modulars, so-called, including personnel, pursuant to agreements entered into by the commissioner of corrections and county sheriffs 2,908,975".

The amendment was adopted.

The same member then moved that the bill be amended in section 2A by adding at the end of item 8910-0031 the words "provided further that not more than one million five hundred thousand dollars be expended for the new Norfolk County Sheriff's Office Correctional Center in Dedham". The amendment was adopted.

There being no objection, Representatives Caron of Springfield, Dempsey of Haverhill, Parente of Milford, Pacheco of Taunton, Valianti of Marlborough and Palumbo of Newbury moved that the bill be amended in section 2 by inserting after item 8100-0002 the following item:

"8400-0045 For the purpose of funding computer operations, customer service at 23 branch offices including the satellite operations for license renewals at Haverhill, Milford and Taunton, as well as, the operation of One-Stop Shopping for commercial Vehicles in Marlboro, salaries, workmen's compensation, public safety, municipal support, equipment acquisition and maintenance and to provide for the collection of license, registration, title and sales tax revenues 4,000,000".

The amendment was adopted.

Mr. Miceli of Wilmington then moved that the bill be amended in section 2A by inserting after item 2443-2001 the following item:

"4510-1010 For the completion of the renovation of Vision House Inc., so called, located on the grounds of Tewksbury public health hospital 25,000".

The amendment was rejected.

There being no objection, Messrs. Glodis of Worcester, Teague of Yarmouth, O'Sullivan of Worcester, Thompson of Cambridge, Knapik of Westfield and Binienda of Worcester moved that the bill be amended by inserting after section 20 the following two sections:

"SECTION 20A. The following non-profit corporations, duly incorporated in the Commonwealth of Massachusetts for the purpose of providing services and other benefits to members of the Massachusetts National Guard, are exempt from the full amount of any tax or excise due under the applicable provisions of General Laws (Ter. Ed.) Chapters 62C, 63A, 64H, and 64I and any act in amendment thereof or in addition thereto for sales tax on meals, prepared food and/or alcoholic beverage due on sales to military members and guests from the date of their incorporation through 31 December 1990."
   Building 5210
   Camp Edwards, Ma. 02542-5003

2. Flying Eagles Nest, Inc.
   Building 158
   Otis ANG Base, Ma. 02542-5028

   14 Minuteman Lane
   Wellesley, Ma. 02181-3687

4. Skyline Club, Inc.
   Skyline Drive
   Worcester, Ma. 01605-2898

5. Pioneer Valley Club, Inc.
   104th TFG, Barnes Municipal Airport
   Westfield, Ma. 01085-1385

6. Viper's Nest, Inc.
   104th TFG, Barnes Municipal Airport
   Westfield, Ma. 01085-1385

SECTION 20B. Said corporations shall be subject to the provisions of said chapters 62C, 63A, 64H and 64I commencing January first, nineteen hundred and ninety-one.”.

The amendment was adopted.

Miss O'Brien of Easthampton then moved that the bill be amended in section 2A by inserting after item 1599-3990 the following item:

"1599-3991 For a reserve for payment to Hampshire County for the necessary operations of said County .... 956,893".

The amendment was adopted.

Mr. Cahir of Bourne then moved that the bill be amended in section 2A by striking out item 2100-0005 and inserting in place thereof the following item:

"2100-0005 For the department pursuant to the purposes of section eighty-five and section eighty-eight of chapter thirty-three of the acts of nineteen hundred ninety-one 2,300,000 Harbors and Inland Waters Maintenance Fund 100.0%".

The amendment was adopted.

Mr. Clancy of Lynn then moved that the bill be amended by inserting after section 4 the following section:

“SECTION 4A. Chapter 6 of the General Laws is hereby amended by striking out section 48 and inserting in place thereof the following section:

Section 48. There shall be a commission to be known as the state racing commission, to consist of a commissioner and two associate commissioners to be appointed by the governor and serve coterminous with him. Not more than two of such members shall
be of the same political party. The commissioner shall serve as chairman, and shall devote his full time during business hours to his official duties.

Each member shall hold office until the appointment and qualification of his successor. The governor may remove any member for cause and shall fill any vacancy for the unexpired term. Whenever any action by the commission is required to be in writing shall be sufficient when signed by the commission chairman. The commission shall make an annual report in January of each year to the general court.

The positions of commissioner and associate commissioners shall be classified in accordance with section forty-five of chapter thirty and the salaries shall be determined in accordance with section forty-six C of said chapter thirty. The members shall also receive their necessary expenses incurred in the discharge of their official duties.

The commission shall employ an auditor state racing commission who shall be a certified public accountant, who shall devote full time during normal business hours to the duties of the position and who shall be exempt from the provisions of said chapter thirty-one and of section nine A of chapter thirty. The auditor, state racing commission, shall serve at the pleasure of the commission which shall determine his salary in accordance with the provisions of said chapter thirty. The commission shall employ a veterinarian state racing commission who shall be exempt from the provisions of said chapter thirty-one and of section nine A of chapter thirty. The veterinarian state racing commission shall serve at the pleasure of the commission which shall determine the salary in accordance with the provisions of said chapter thirty. The commission shall appoint the following positions which shall be exempt from the provisions of said chapter thirty-one and of section nine A of said chapter thirty: a secretary state racing commission, a fiscal officer III, other assistants, directors of racing operations who shall devote full time to the supervision of commission officials and employees at the tracks, one accountant II, accountants I, chemists III, chemists II, chemists I, clerks IV, clerks III, clerks II, typists I, bookkeepers I, stenographers II, one laboratory supervisor II, laboratory technicians I, one supervisor of licenses and registrations state racing commission, one racing inspector II, racing inspectors I, administrative assistants II and one special assistant to the commissioner. The commission shall employ at least one racing inspector I and one accountant I at each racing performance, live or simulcast to insure the integrity of racing."

The amendment was adopted.

There being no objection, — Messrs. Cruz of West Bridgewater and Decas of Wareham moved that the bill be amended in section 2A by inserting after item 2100-0005 the following item:
"2100-0006 For the purposes of fire prevention and control and provided further that such funds may be expended for the compensation of employees … 20,000
   Local Aid Fund …………. 97.0%
   Highway Fund …………. 3.0%”.

The amendment was adopted.

Mr. Palumbo of Newbury then moved that the bill be amended in section 2 by inserting after the caption “Department of Education” the following item:

“7010-0001 For the expenses of the Frederick Sweetsir School; provided however, that monies appropriated herein are subject to the conditions and approval process contained in section 4 of Chapter 493 of the Acts of nineteen hundred and ninety-one 86,000”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2A by striking out, in item 8910-0031, the figures “7,561,500” and inserting in place thereof the figures “9,151,500”, and the amendment was adopted.

The bill (House, No. 5317, amended) then was ordered to a third reading.

Order.

On motion of Mrs. Menard of Somerset, —
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at twelve o’clock noon.

At half past seven o’clock P.M., on motion of Mrs. Menard (Mr. Serra of Boston being in the Chair), the House adjourned, to meet tomorrow at twelve o’clock noon.
Thursday, March 12, 1992.

Met according to adjournment, at twelve o'clock noon, 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 pause for a moment to think about You, to reflect on our dependence upon Your goodness and to thank You for the material and spiritual gifts which You daily bestow upon us. As we strive to respect and protect the environment (land, air, water) which You have created for our benefit, may we also respect and accept the rules for right-living which You have made known to us. In our complex pluralistic society, may we appreciate and respect the tenets of others even though we do not accept their principles or conclusions. Help us as a people to join together in building a just, stable and peaceful society.

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.

Message from the Governor.

A message from His Excellency the Governor submitting changes in proposed recommendations for the annual budget of the Commonwealth for the fiscal year beginning July first, nineteen hundred and ninety-two (House, No. 5330) 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 schedules, to the committee on Ways and Means.

Statement Concerning Representative Antonioni of Leominster.

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 Antonioni of Leominster, will not be present in the House Chamber for today's sitting due to official business outside of the State House. 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.
Statement of Representative Cangiamila of Billerica.

During consideration of the Orders of the Day, Mr. Cangiamila of Billerica 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 an appointment to meet with the Lieutenant-Governor on matters relative to my district. Any roll calls that I missed was due entirely to the reason stated.

Mr. Cangiamila 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 Ms. Brenton of Burlington) congratulating Lenwood McRae on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules.

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

Petitions.

Petitions severally were presented and referred as follows:

By Mrs. Kehoe of Dedham, petition (accompanied by bill, House, No. 5318) of Marie-Louise Kehoe and Gregory W. Sullivan (by vote of the town) relative to recall elections in the town of Westwood; and

By Mr. Scibelli of Springfield, petition (accompanied by bill, House, No. 5319) of Robert T. Markel (mayor) and Anthony M. Scibelli (with the approval of the mayor and city council) relative to the filling of vacancies in the offices of city council and the school committee of the city of Springfield;

Severally to the committee on Election Laws.

By Ms. Rourke of Lowell, petition (accompanied by bill, House, No. 5335) of John F. Cox, Edward A. LeLacheur and Susan F. Rourke (with the approval of the city council) relative to the salaries of the election commissioners of the city of Lowell. To the committee on Local Affairs.

By Mr. Businger of Brookline, petition (accompanied by bill, House, No. 5320) of Michael W. Merril, John A. Businger, Lois G. Pines and others (by vote of the town) for legislation to exempt the positions of senior building inspector, building inspector, plumbing inspector, electrical inspector, and building commission coordinator in the town of Brookline from the provisions of civil service law;

By Mrs. Cleven of Chelmsford, petition (accompanied by bill, House, No. 5321) of Carol C. Cleven and Lucile P. Hicks (by vote
of the town) relative to reinstatement rights of certain employees in the town of Chelmsford;

By Mr. Cohen of Newton, petition (accompanied by bill, House, No. 5322) of Theodore D. Mann (mayor), David B. Cohen, Lois G. Pines, Susan D. Schur and Anthony M. Mandile (with the approval of the mayor and board of aldermen) for legislation to exempt the positions of sealer of weights and measures, chief deputy sealer of weights and measures and deputy sealer of weights and measures in the city of Newton from the provisions of civil service law;

By Mr. O'Sullivan of Worcester, petition (accompanied by bill, House, No. 5323) of Jordan Levy (mayor), William J. Mulford (city manager), Kevin O'Sullivan, John J. Binienda, Andrew Collaro and William J. Glodis, Jr. (with the approval of the mayor and city council) relative to certain retirement credits for Raymond McGrath, a police officer of the city of Worcester;

By Mrs. Parente of Milford, petition (accompanied by bill, House, No. 5324) of Marie J. Parente (by vote of the town) relative to retirement rights of employees of the Milford geriatric authority; and

By Mr. Scibelli of Springfield, petition (accompanied by bill, House, No. 5325) of Robert T. Markel (mayor) and Anthony M. Scibelli (with the approval of the mayor and city council) for legislation to exempt the positions of water department manager, chief water engineer, water registrar, and water distribution supervisor in the city of Springfield from the provisions of civil service law;

Severally to the committee on Public Service.

By Mr. Businger of Brookline, petition (accompanied by bill, House, No. 5326) of Michael W. Merrill, John A. Businger, Marc D. Draisen, Lois G. Pines and others (by vote of the town) for legislation to establish a statute of limitations for the collection of certain excise taxes in the town of Brookline; and

By Mr. Cohen of Newton, petition (accompanied by bill, House, No. 5327) of Theodore D. Mann (mayor), David B. Cohen, Lois G. Pines and Susan D. Schur (with the approval of the mayor and board of aldermen) for legislation to authorize the city of Newton to receive and act upon the applications of the Woodland Golf Club for classification as recreational land for tax years nineteen hundred and ninety-one and nineteen hundred and ninety-two;

Severally to the committee on Taxation.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Brett of Boston, petition (subject to Joint Rule 12) of James T. Brett and other members of the House for legislation to establish an office of quality assurance for mentally retarded persons.

By Mr. Brewer of Barre, petition (subject to Joint Rule 12) of Stephen M. Brewer relative to equal educational opportunity grants.

By Mr. Cangiamila of Billerica, petition (subject to Joint Rule 12) of Brion M. Cangiamila relative to the interest or penalties assessed on overdue excise taxes.
By Mr. Cass of Wakefield, petition (subject to Joint Rule 12) of Jennifer Nazzaro, Daniel Relihan and William F. Cass relative to the state flag.

By Mr. Decas of Wareham, petition (subject to Joint Rule 12) of Charles N. Decas (by vote of the town) relative to the historical commission of the town of Middleborough.

By Mr. DeLeo of Winthrop, petition (subject to Joint Rule 12) of Robert A. DeLeo and another for legislation to authorize the Trial Court of the Commonwealth to establish a personal and/or vacation leave bank for probation officer Louis A. Serino.

By Mr. Draisen of Boston (by request), petition (subject to Joint Rule 12) of Donald C. Chayet for legislation to repeal the option for quarterly tax payments for cities and towns.

By Mr. Giordano of Methuen (by request), petition (subject to Joint Rule 12) of Charline Vaykovid relative to the collection of income for the support of children.

By Mr. Hayward of Lynn (by request), petition (subject to Joint Rule 12) of Richard Colucci for legislation to require residency qualifications for certain welfare benefits.

By Mr. Healy of Charlemont, petition (subject to Joint Rules 12 and 9) of Jonathan L. Healy and Stanley C. Rosenberg relative to the powers of the Pocumtuck Valley Memorial Association.

By Mr. Hodgkins of Lee (by request), petition (subject to Joint Rule 12) of Nickolas Peck for legislation to authorize hitchhiking at toll booths on the Massachusetts Turnpike.

By Ms. Hornblower of Groton (by request), petition (subject to Joint Rule 12) of Dan Milleville relative to the tenure of certain police officers.

By Mr. Petrolati of Ludlow, petition (subject to Joint Rule 12) of Thomas M. Petrolati relative to juror service for persons over seventy years of age.

By Ms. Rourke of Lowell, petition (subject to Joint Rule 12) of John F. Cox, Edward A. LeLacheur, Susan F. Rourke and Carol C. Cleven (with the approval of the city council) relative to financial conditions in the city of Lowell.

By Mr. Scibelli of Springfield, petition (subject to Joint Rule 12) of Anthony M. Scibelli relative to the deeds excise tax.

By Mr. Teague of Yarmouth (by request), petition (subject to Joint Rule 12) of Nancy Sveden for legislation to exempt sales of telecommunication services made to military personnel in the Persian Gulf from the provisions of the sales tax.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis and another for legislation to authorize an income tax credit for the purchase of renewable energy equipment.

By Mr. Turkington of Falmouth, petition (subject to Joint Rules 12 and 9) of Eric Turkington, Henri S. Rauschenbach and another for legislation to authorize the town of Nantucket to develop a public water supply system.

Severally, under Rule 24, to the committee on Rules.
Papers from the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 1455) of William Q. MacLean, Jr., and Leonard Gonsalves (by vote of the town) for legislation relative to the establishment of precincts in the town of Dartmouth. To the committee on Election Laws.

Petition (accompanied by bill, Senate, No. 1456) of William Q. MacLean, Jr., and Leonard Gonsalves (by vote of the town) for legislation to increase the members of the board of selectmen of the town of Dartmouth from three members to five members. To the committee on Local Affairs.

Reports of Committees.

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 David B. Cohen for legislation to further define the reporting practices of collection agencies. Under suspension of Rule 42, on motion of Mr. Cohen of Newton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Banks and Banking. 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 Salvatore F. DiMasi relative to liability for violations of the State Building Code. Under suspension of Rule 42, on motion of Mr. DiMasi of Boston, 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.

By Mr. Roosevelt of Boston, for the committee on Education, Arts and Humanities, asking to be discharged from further consideration

Of so much of the recommendations of the Department of Public Health (House, No. 176) as relates to governing administration of medications to school children (accompanied by bill, House, No. 177); and

Of so much of the recommendations of the Department of Public Health (House, No. 176) as relates to requiring immunization of certain college students (accompanied by bill, House, No. 180);

And recommending that the same severally be referred to the committee on Health Care;

By Ms. Buell of Greenfield, for the committee on Health Care, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3161) of Salvatore F. DiMasi for legislation to regulate the records of patients being treated by psychotherapists; and
THURSDAY, MARCH 12, 1992.

Of the petition (accompanied by bill, House, No. 3362) of Salvatore F. DiMasi relative to the records of certain patients of psychotherapists;
Any recommending that the same severally be referred to the committee on the Judiciary;
Of the petition (accompanied by bill, House, No. 4873) of M. Joseph Manning for legislation to further regulate the sale and distribution of non-alcoholic beverages and bottled water, — and recommending that the same be referred to the committee on Natural Resources and Agriculture; and
By Mr. Jordan of Springfield, for the committee on Housing and Urban Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1503) of Nelson Merced and other members of the General Court for legislation to provide supplemental rent payments to certain low-income persons, — and recommending that the same be referred to the committee on Human Services and Elderly Affairs.
Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Ms. Buell of Greenfield, for the committee on Health Care, on House, Nos. 163 and 164, a Bill relative to state, county and municipal hospitals (House, No. 164). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Walsh of Agawam, for the committee on Government Regulations, on Senate, Nos. 350 and 370 and House, Nos. 2266, 2994, 4855 and 5030, a Bill to require an identification system for the purchase of kegs of beer, ale or malt beverages (House, No. 2994). Read; and referred, under Rule 33, to the committee on Ways and Means.

Orders of the Day.
The House 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 (House, No. 5317, 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 11 (as printed) and inserting in place thereof the following three sections:

- For the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund; for the payment of interest on certain bonded debt of the
- Non-alcoholic beverages,— sale.
- Low-income households,— assist.
- Public hospitals.
- Beer kegs,— identification.
- Supplemental appropriations.
Supplemental appropriations.

commonwealth previously charged to the Metropolitan Parks District Fund; for payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to the Local Aid Fund.

- Local Aid Fund: 54,567,240

0699-1902 For the payment of discount on the sale of bonds of the commonwealth previously charged to the State Recreation Areas Fund; for the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Parks District Fund; for payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Local Aid Fund.

- Local Aid Fund: 3,357,401

0699-1903 For certain serial bonds maturing previously charged to the State Recreation Areas Fund; for certain serial bonds maturing previously charged to the Metropolitan Parks District Fund; for certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Local Aid Fund.

- Local Aid Fund: 19,225,293

0699-3901 For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Water District Fund; for the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund; for the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve.

- General Fund debt service reserve: 310,070,646

0699-3902 For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund; for the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund; for the payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve.

- General Fund debt service reserve: 4,689,135

0699-3903 For certain serial bonds maturing previously charged to the Metropolitan Water District fund; for certain serial bonds maturing previously charged to the Metropolitan Sewerage...
District Fund; for certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve.

SECTION 15. Said section 2 of said chapter 138 is hereby further amended by striking out item 1107-2500 and inserting in place thereof the following item:

1107-2501 For the operation of the disabled persons protection commission, including not more than nine positions

SECTION 16. Said section 2 of said chapter 138 is hereby further amended by striking out items 2310-0314 and 2310-0315 and inserting in place thereof two items:

2310-0316 For the purchase of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections two and two A of chapter one hundred and thirty-one of the General Laws

Inland Fisheries and Game Fund 100.0%

2,000,000

2310-0317 For a waterfowl management program established pursuant to section eleven of chapter one hundred and thirty-one of the General Laws

Inland Fisheries and Game Fund 100.0%

123,000

by striking out section 16 (as printed) and inserting in place thereof the following two sections:

"SECTION 21. Section 2A of said chapter 138 is hereby amended by striking out item 4120-4020 and inserting in place thereof the following item:

4120-4021 For purposes of a federally funded grant entitled, Disability Determination Service

1,533,370"

SECTION 22. Said section 2A of said chapter 138 is hereby further amended by striking out items 8400-0006 and 8400-0008 and inserting in place thereof the following two items:

8400-0009 For the purposes of a federally funded grant entitled, Motor Carrier Safety Assistance Program

262,183

8400-0011 For the purposes of a federally funded grant entitled, Commercial Driver Licensing Program

228,039"

by striking out section 18A (as printed) and inserting in place thereof the following section:

"SECTION 11. Section 1 of chapter 118E of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by section 17 of chapter 495 of the acts of 1991, and inserting in place thereof the following paragraph: —
The benefits of said program shall be available to all persons eligible for financial assistance under the provisions of chapter one hundred and eighteen and Title IV of the Social Security Act and to all persons who are eligible for supplemental security income payments on account of age or disability under the provisions of Title XVI of said Social Security Act or for assistance under the provisions of chapter one hundred and eighteen A. Said benefits may also be made available to other persons who would be eligible for financial assistance under any of the foregoing provisions but for income or resources; provided, however, that said persons meet the financial eligibility requirements of Title XIX; provided, further that said benefits shall be available to otherwise eligible persons seeking admission to and residents of long-term care facilities whose income and resources are insufficient to meet the cost of their medical care as determined by the financial eligibility requirements of said program."; in section 23 (as printed) by inserting after the word "Courts", in line 11, the words "and the governor"; and in section 5 by inserting after the word "to", in line 7, the words "sections ten, eleven and twelve of"; and by striking out sections 20A and 20B (inserted by amendment).

The amendments were adopted.

Mr. Caron of Springfield then moved that the bill be amended by inserting after section 9B (inserted by amendment) the following section:

"SECTION 11B. Section 2 of Chapter 138 of the Acts of nineteen hundred and ninety-one is hereby amended by striking the text of item 8000-0110 and inserting in place thereof the following text: —

For the administration and operation of the criminal justice information system, including the Massachusetts criminal history systems board; provided that, the criminal history systems board be directed to reimburse those communities who have paid a LEAPS assessment fee for the fiscal year nineteen hundred and ninety-two.

After remarks the amendment was adopted. There being no objection, — Representatives Pacheco of Taunton, Menard of Somerset and Walsh of Peabody moved that the bill be amended by striking out section 23 (as printed) and inserting in place thereof the following section:

"SECTION 29. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall conduct a statewide study of feasibility and the long-range goals of the privatization, consolidation or closure of any state facility, property, and functions and submit it to the house and senate committees on ways and means on or before September first, nineteen hundred and ninety-two. Said study shall include a cost benefit analysis of any such privatization, consolidation or closure of any state facility, property or function. No facility, property, or function shall be privatized, consolidated or closed prior to the completion and submission of said study to said committees, and approval of said study by the General Court. Said section shall not
apply to any facility privatized, consolidated, or closed prior to
March fifteenth, nineteen hundred and ninety-two.”.

Pending the question on adoption of the amendment, Mrs. McKenna
of Holden asked for a count of the House to ascertain if a quorum
was present. The Chair (Mr. Serra of Boston), 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 (Mr. Voke of Chelsea
being in the Chair) 101 members were recorded as being in
attendance.

[See Yea and Nay No. 81 in Supplement.]
Therefore a quorum was present.

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. Marsh of Wellesley; and on the roll call (Mr. Scaccia of Boston
being in the Chair) 113 members voted in the affirmative and 31 in
the negative.

[See Yea and Nay No. 82 in Supplement.]
Therefore the amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended
by striking out section 9.

After debate on the question on adoption of the amendment
(Mrs. Menard of Somerset being in the Chair), the sense of the House
was taken by yeas and nays, at the request of Mr. Forman; and on the
roll call 45 members voted in the affirmative and 101 in the negative.

[See Yea and Nay No. 83 in Supplement.]
Therefore the amendment was rejected.

Mr. Blanchette of Lawrence then moved that the bill be amended
in section 2 by adding at the end thereof the following item:

“Labor Relations Commission.

9430-0101 For the purposes of conducting an election,
pursuant to the provisions of section 114 of
Chapter 412 of the Acts of 1991, to determine
the exclusive bargaining representative for the
bargaining unit comprised of the members of
those police forces which have been merged into
the uniformed members of the state police . . .
10,000”.

The amendment was adopted.

Mr. Cox of Lowell then moved that the bill be amended in
section 2A, in item 8910-0021, by striking out, in lines 11 and 12,
the words “for the ‘COACH’ program in Barnstable County” and
inserting in place thereof the words “in Barnstable County as follows:
thirty-five thousand dollars for ‘COACH’ program; ten thousand
dollars for the ‘Friends of Prisoners’ program and seven thousand
five hundred dollars for the Massachusetts Society for the
Prevention of Cruelty to Children”.

The amendment was adopted.
Supplemental appropriations.

There being no objection, — Messrs. Finneran of Boston and Hynes of Marshfield moved that the bill be amended in section 2A, in item 8800-0032 (previously inserted by amendment), by inserting after the word "FEMA" the following: "provided that of the sum appropriated herein, not less than four million four hundred sixty thousand five hundred twelve dollars shall be made available for assistance associated with Disaster #0914 - Hurricane Bob."

The amendment was adopted.

Mr. Henry of Beverly then moved that the bill be amended by inserting after section 18 (as printed) the following section:

"SECTION 25A. The bridge on Route 1A and any replacement thereto spanning the Danvers River and connecting the city of Beverly with the city of Salem shall be designated and known as the Corporal Joseph Vittori Memorial Bridge in honor of Corporal Joseph Vittori of said city of Beverly. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department."

Pending the question on adoption of the amendment, Mrs. McKenna of Holden asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Menard of Somerset), 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 131 members were recorded as being in attendance.

[See Yea and Nay No. 84 in Supplement.]

Therefore a quorum was present.

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. Henry; and on the roll call 21 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 85 in Supplement.]

Therefore the amendment was rejected.

Subsequently Mrs. Kehoe of Dedham asked unanimous consent to make a statement; and, there being no objection, she addressed the House as follows:

MR. SPEAKER: During the taking of the preceding yea and nay on the question on adoption of the amendment, I was present in the House Chamber and voted in the negative based on information that was made available to me by the opponents of said amendment. I now find that such information contained certain inaccuracies relative to the subject-matter of the pending amendment. Had I received an accurate explanation at the time the vote was in progress, I would have been recorded in the affirmative.

Mrs. Kehoe then moved that the statement made by her be spread upon the records of the House; and the motion prevailed.

There being no objection, — Messrs. Tarr of Gloucester and Palumbo of Newbury moved that the bill be amended by inserting after section 23A (inserted by amendment) the following section:
“SECTION 29B. The Division of Medicaid and the Department of Public Welfare are hereby authorized and directed to conduct a study and investigation of the number and frequency of medicaid and welfare recipients who have resided in the Commonwealth for a period of six months or less at the time application was made for such benefits. Together with number and frequency of claims, the study shall also encompass the costs, both individual and aggregate, of benefits paid to such recipients.

The study and investigation shall include, but not be limited to, a requirement that each request by an individual seeking medicaid or welfare benefits shall include a statement by the applicant of his or her length of residence in the Commonwealth at the time application is made. Said study and investigation shall be included in a report filed with the Secretary of Administration and Finance and the House and Senate committees on Ways and Means no later than December fifteenth, nineteen hundred and ninety-three.”

The amendment was adopted.

There being no objection,— Representatives Landers of Palmer, Finneran of Boston, Lambert of Fall River, Rourke of Lowell, Cox of Lowell, LeLacheur of Lowell, Mann of Hanson and Healy of Charlemont moved that the bill be amended in section 2A by inserting before item 7118-0035 the following item:

“For grants to replace or renovate a school building which is structurally unsound or otherwise in a condition seriously jeopardizing the safety of school children or a school building closed as unsafe by the local or state building inspector, provided however, that the funds appropriated herein shall be distributed as follows: not more than one million three hundred and five thousand and ten dollars shall be expended for the Ware Elementary School; not more than eighty thousand five hundred and eighty dollars shall be expended for the Hanson Indian Head School; not more than two million three hundred forty-nine thousand two hundred and eighty dollars shall be expended for the Fall River B.M.C. Durfee School; not more than two hundred thirty-two thousand one hundred and eight dollars shall be expended for the Buckland-Shelburne Regional School; not more than one million two hundred nine thousand seven hundred and sixty-eight dollars shall be expended for the Greater Lowell Regional Vocational Technical School 6,291,472 Local Aid Fund 100.0%.”

The amendment was adopted.
Supplemental appropriations.

After debate Mr. Magnani of Framingham moved that the bill be amended by inserting after section 29B (inserted by amendment) the following section:

"SECTION 29C. Notwithstanding the application deadline provisions of item 7066-1010 of chapter 493 of the acts of 1991, the town of Ashland may apply for reimbursement of losses, not to exceed twenty-six thousand five hundred dollars, and the town of Hudson may apply for reimbursement not to exceed fifteen thousand dollars incurred under the provisions of section three hundred and four of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one."

The amendment was adopted.

There being no objection, — Representatives Evans of Wayland, Palumbo of Newbury and Tarr of Gloucester moved that the bill be amended in section 2 by inserting after the caption "Department of Education" the following item:

"7052-0001 For grants and reimbursements to cities, towns, regional school districts and counties for the purposes of the school building assistance program under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight; provided that monies appropriated herein shall be spent according to the established list of the FY 1992 School Building Assistance Priority List commencing with #13, and; provided further, that said appropriation shall expire June thirtieth, nineteen hundred and ninety-three 20,000,000".

After debate the amendment was rejected.

Mr. Scaccia of Boston then moved that the bill be amended by inserting after section 11B (inserted by amendment) the following three sections:

"SECTION 11C. Section 2 of chapter 138 of the acts of 1991 is hereby amended, in item 5046-0000, by striking the text and inserting the following new text:

For mental health services for adult clients; provided, that of the sum appropriated herein, not less than two hundred thousand dollars be obligated for the provision of technical assistance to nonprofit agencies in order to expedite the development of community housing for the mentally ill; provided further, that no funds appropriated under this item shall be expended for the payment of any vendor-operated program, service, or function which replaces any program, service or function performed during fiscal years nineteen hundred and ninety-one or nineteen hundred and ninety-two, by employees of the commonwealth whether working for a program or service operated by the commonwealth directly, or assigned to any vendor-operated program to provide services to or perform duties connected with the provision of services to clients of the department of mental health; provided further, that such programs, services, or functions shall include, but not be limited..."
to, outpatient services, day treatment programs, emergency services, early intervention programs, crisis shelters, halfway houses, outpatient and residential social and vocational rehabilitation programs, and inpatient services at community mental health centers; and provided further, that the department shall generate thirteen million five hundred thousand dollars from occupancy fees in community-based housing and from federal reimbursements received for case management and rehabilitation services to be deposited in the General Fund, including not more than nine hundred and thirty positions.

SECTION 11D. Said section 2 of said chapter 138 is hereby further amended, in item 5047-0000, by striking the text and inserting the following new text:

For mental health services for children and adolescents; provided, that no funds appropriated under this item shall be expended for the payment of any vendor-operated program, service, or function which replaces any program, service or function performed during fiscal years nineteen hundred and ninety-one or nineteen hundred and ninety-two, by employees of the commonwealth whether working for a program or service operated by the commonwealth directly, or assigned to any vendor-operated program to provide services to or perform duties connected with the provision of services to clients of the department of mental health; provided further, that such programs, services, or functions shall include, but not be limited to, outpatient services, day treatment programs, emergency services, early intervention programs, crisis shelters, halfway houses, outpatient and residential social and vocational rehabilitation programs, and inpatient services at community mental health centers; and provided further, that the department shall generate six million five hundred thousand dollars from certified adolescent inpatient units and intensive residential treatment programs and the so-called rehabilitation option to be deposited in the General Fund, including not more than one hundred and thirty positions.

SECTION 11E. Said section 2 of said chapter 138 is hereby further amended, in item 5051-0100, by striking the text and inserting the following new text:

For the operation of community mental health centers; provided, that no funds appropriated under this item shall be expended for the payment of any vendor-operated program, service, or function which replaces any program, service or function performed during fiscal years nineteen hundred and ninety-one or nineteen hundred and ninety-two, by employees of the commonwealth whether working for a program or service operated by the commonwealth directly, or assigned to any vendor-operated program to provide services to or perform duties connected with the provision of services to clients of the department of mental health; and provided further, that such programs, services, or functions shall include, but not be limited to, outpatient services, day treatment programs, emergency services, early intervention programs, crisis shelters, halfway houses, outpatient and residential social and vocational rehabilitation programs, and inpatient services at community mental health centers; and provided further, that the department shall generate thirteen million five hundred thousand dollars from occupancy fees in community-based housing and from federal reimbursements received for case management and rehabilitation services to be deposited in the General Fund, including not more than nine hundred and thirty positions.
programs, and inpatient services at community mental health centers, including not more than two thousand one hundred positions.

The amendment was adopted.

Mr. Walsh of Agawam then moved that the bill be amended by inserting after section 9 (as printed) the following section:

"SECTION 10A. The lottery commission shall provide to the house and senate committees on ways and means a report which will state the total amount of projected new revenue estimated to be collected by the lottery commission in Fiscal Year 1993. Said report shall list all areas of operations from which said new revenue is expected to occur. Said report shall be submitted no later than May first, nineteen hundred and ninety-two."

The amendment was adopted.

The amendment was adopted.

There being no objection, — Messrs. Mariano of Quincy, Morrissey of Quincy, Tobin of Quincy and Haley of Weymouth moved that the bill be amended by inserting after section 29C (inserted by amendment) the following section:

"SECTION 29D. The Massachusetts water resources authority is hereby authorized and directed to undertake a utilization study of the former general dynamics executive office building at the so called Quincy shipyard. Said study shall include but not be limited to the following: the current cost of existing office, the cost of rehabilitation and renovation of the former general dynamics executive office to a class B level of space, a timetable or schedule for planning, engineering, construction and/or rehabilitation of the office space in Quincy.

A detailed list of the criteria and specifications used in the cost analysis shall also be included.

The study shall also include a plan for the use or re-use of the building by the MWRA or for non MWRA related uses.

The Massachusetts water resources authority shall file its report with the house and senate committees on ways and means by July thirtieth, nineteen hundred and ninety-two."

The amendment was adopted.

Mr. Teague of Yarmouth then moved that the vote be reconsidered by which the House adopted certain amendments recommended by the committee on Bills in the Third Reading.

Pending the question on the motion to reconsider, Mr. Marsh of Wellesley asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Menard of Somerset), 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. 86 in Supplement.]

Therefore a quorum was present.
After debate on the motion to reconsider (Mr. Serra of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Teague; and on the roll call 39 members voted in the affirmative and 105 in the negative.

[See Yea and Nay No. 87 in Supplement.]
Therefore the motion to reconsider was negatived.

Ms. Bump of Braintree then moved that the bill be amended by striking out section 8 (as printed).

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 the same member; and on the roll call 61 members voted in the affirmative and 83 in the negative.

[See Yea and Nay No. 88 in Supplement.]
Therefore the amendment was rejected.

Ms. Bump then moved that the bill be amended by striking out section 3 (as printed).

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 the same member; and on the roll call (Mr. Walsh of Agawam being in the Chair) 61 members voted in the affirmative and 79 in the negative.

[See Yea and Nay No. 89 in Supplement.]
Therefore the amendment was rejected.

Ms. Bump of Braintree then moved that the bill be amended in section 8 (as printed) by inserting after the word “eighty.”, in line 11, the following sentence: “Such facilities however shall be subject to reasonable rules and regulations made by local boards of health pursuant to Chapter 111, and which may include provisions relative to facility maintenance procedures, operating procedures and practices, local enforcement of state statutes and regulations governing such facilities, monitoring and inspection procedures, practices and standards necessary to assure that the facility will be operated in a manner which will not be injurious to the public health or safety or the environment.”.

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 the same member; and on the roll call 57 members voted in the affirmative and 80 in the negative.

[See Yea and Nay No. 90 in Supplement.]
Therefore the amendment was rejected.

Subsequently 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 was present in the House Chamber for the taking of the above yeas and nays, however, due to a malfunction of the switch at my desk I was not recorded. Had the switch been in proper working order I would have been recorded in the affirmative.

Mr. Gonsalves then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.
Mr. Miceli of Wilmington then moved that the bill be amended in section 2A by inserting after item 2443-2001 the following item:

"4510-1010 For the completion of the renovation of Vision House Inc., so called, located on the grounds of Tewksbury public health hospital ............. 25,000".

The amendment was adopted.

There being no objection, — Representatives Bump of Braintree and Mariano of Quincy moved that the bill be amended in section 8 (as printed) by adding at the end thereof the following paragraph: "Any hazardous waste facility, as so defined in Chapter 21D, licensed pursuant to Chapter 21C, located in the town of Braintree, shall be required to have a member of the local fire department on the premises of said facility at all times during its hours of operation for the purpose of monitoring and maintaining safety standards. Said facility shall compensate the host municipality for all expenses, salary and costs associated with this provision.".

The amendment was adopted.

After debate 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. Forman of Plymouth; and on the roll call 127 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 91 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Finneran of Boston moved that this vote be reconsidered; and, there being no objection, the motion to reconsider was considered forthwith and it was negatived. The bill (House, No. 5336, printed as amended) then was sent to the Senate for concurrence.

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

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

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

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

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business outside of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

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

Subsequently Ms. Schur of Newton asked unanimous consent to make a statement; and, there being no objection, she addressed the House as follows:
Mr. Speaker: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

Ms. Schur then moved that the statement made by her be spread upon the records of the House; and the motion prevailed.

Order.

On motion of Mr. Voke of Chelsea, —

Ordered, That when the House adjourns today, it adjourn to meet on Monday next (March 16) at eleven o'clock A.M.; when the House adjourns on Monday, it adjourn to meet on the following Thursday (March 19) at eleven o'clock A.M.; when the House adjourns on Thursday, it adjourn to meet on the following Monday (March 23) 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 Calendars for the sittings of Monday, March 16 and Thursday, March 19.

Statement of Representative Schur of Newton.

Next sittings and printing of Calendars.

At fourteen minutes after seven o'clock P.M., on motion of Mr. Flaherty of Cambridge (Mr. Walsh of Agawam 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 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:

Eternal God, Creator and Ruler of the Universe, we ask You to
bless the people of this state and the country as they strive to serve
You, their neighbors and society. In preparing to observe
Evacuation Day and St. Patrick's Day, we reflect on the personal
and religious freedom which we enjoy as citizens, and on St. Patrick's
commitment to his religious beliefs. Teach us to accept and welcome
all immigrants and refugees into our land of liberty and opportunity.
May we accept all people as members of the one human family.

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.

Changes in Joint Standing Committees.

The Speaker announced the following changes in joint standing
committees:
That Representative Mariano of Quincy had been appointed to
the eighth position on the committee on Banks and Banking to fill
an existing vacancy;
That Representative Scibelli of Springfield had been appointed
to the eighth position on the committee on Government Regulations
to fill an existing vacancy;
That Representative Gonsalves of Dartmouth had been appointed
to the eighth position on the committee on Local Affairs to fill an
existing vacancy; and
That Representative Dempsey of Haverhill had been appointed
to the eighth position on the committee on Natural Resources and
Agriculture to fill an existing vacancy.

Resolutions.

The following resolutions (filed with the Clerk) were referred,
under Rule 85, to the committee on Rules:
Resolutions (filed by Mr. Binienda of Worcester) congratulating
Reverend Francis J. Scollen on the occasion of his elevation to the
rank of Monsignor;
Resolutions (filed by Mr. Sullivan of Abington) congratulating
Jean M. Brown on the occasion of her retirement; and
Resolutions (filed by Mr. Woodward of Walpole) congratulating John H. Robbins, Jr., on the occasion of his retirement;

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. Binienda, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

The following messages from His Excellency the Governor were referred, in concurrence, to the committee on Local Affairs:

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation to authorize the town of Marblehead to extend the lease of land at Devereux Beach Playground in exchange for construction of a building (Senate, No. 1457);

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation to validate the special town meeting of the town of Salisbury and to allow the town to amortize a portion of its deficit (Senate, No. 1458); and

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation to authorize the town of Sherborn to permit the use of certain town land for a communication system (Senate, No. 1459).

At a quarter after eleven o'clock A.M., on motion of Ms. Donovan of Woburn (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:

Eternal God, we pause for a moment to thank You for the blessings which You bestow on us and to ask for guidance when we make personal and political decisions. Help us to remain calm and objective in discussing public policy and to focus attention on issues and not on personalities. We depend upon You for the courage and the insight to communicate to the electorate the issues of the day and the possible solutions to today's societal challenges. May we work together towards building a just and stable society.

Grant 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.

**Messages from the Governor.**

A message from His Excellency the Governor submitting resolutions for adoption by the General Court providing for a declaration of the intent of the General Court relative to the amount and distribution of local aid to the cities, towns and regional school districts of the Commonwealth during fiscal year nineteen hundred and ninety-three (House, No. 5350) was filed in the office of the Clerk on Friday, March 13.

The message was read; and it was referred, under Rule 30, with the accompanying draft of resolutions, to the committee on Ways and Means.

A message from His Excellency the Governor recommending legislation relative to the terms of certain notes to be issued by the Commonwealth (House, No. 5351) was filed in the office of the Clerk on Wednesday, March 18.

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.

**Resignation of Representative Robert A. Antonioni of Leominster.**

The following communication, received by the Clerk from the Office of the Speaker of the House, was read for the information of the House; and placed on file.
March 18, 1992.

The Honorable CHARLES F. FLAHERTY
Speaker of the House of Representatives
Commonwealth of Massachusetts

Dear Mr. Speaker:

This is to inform you that, effective at noon today (March 18), I hereby resign my seat as Representative from the 4th Worcester district in order to assume my seat in the Senate.

It has been a distinct honor and pleasure to work with you and other members of the House to serve the people of the Commonwealth of Massachusetts.

I respectfully request that notice of my resignation be included in the Journal of the House.

Very truly yours,

ROBERT A. ANTONIONI,
State Representative.

Resignation of Representative Robert A. Antonioni of Leominster.

Resolutions.

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

Resolutions (filed by Mr. Mandile of Waltham) honoring Thomas K. Shoemaker, District Five Middlesex County Commander, American Legion;

Resolutions (filed by Representatives Menard of Somerset and Pacheco of Taunton) honoring Mayor Richard Johnson; and

Resolutions (filed by Mr. Sullivan of Abington) congratulating Mary A. Donlin on the occasion of her one hundredth birthday;

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 Mrs. Menard, 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. Fitzgerald of Boston) honoring Doris Bunte, were referred, under Rule 85, to the committee on Rules.

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

Paper from the Senate.

A Bill relative to the membership of the finance committee and the appointment of tree warden in the town of Easton (Senate, No. 1380) (reported on a petition) [Local Approval Received],

Thomas K. Shoemaker.
Richard Johnson.
Mary A. Donlin.
Doris Bunte.
Easton—finance committee.
passed to be engrossed by the Senate, was read; and it was placed in the Orders of the Day for the next sitting for a second reading.

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 following petitions:

Petition (accompanied by bill) of Philip Travis relative to liens on motor vehicle repairmen. To the committee on the Judiciary.

Petition (accompanied by bill) of John F. Cox, Edward A. LeLacheur, Susan F. Rourke and Carol C. Cleven (with the approval of the city council) relative to financial conditions in the city of Lowell. To the committee on Local Affairs.

Under suspension of Rule 42, on motion of Ms. Rourke of Lowell, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Karol of Attleboro, for the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1349) of James P. Jajuga, Charles E. Shannon, Jane M. Swift and Larry F. Giordano for legislation to exempt former prisoners of war from payment of parking meter fees, — and recommending that the same be referred to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Ms. Gardner of Holliston, for the committee on Education, Arts and Humanities, on a petition, a Bill relative to high school graduation dates (House, No. 5150).

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill to increase the amount of money that may be borrowed by the Thorndike Fire and Water District in the town of Palmer and to extend the time limit within which such loans shall be payable (House, No. 1437).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Rockport to grant a driveway easement over a section of watershed land (House, No. 2514) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing certain agreements between the Merrimack Valley Planning Commission and cities and towns (House, No. 3759).

By the same member, for the same committee, on a petition, a Bill relative to the appointment of a superintendent of public works in the town of South Hadley (House, No. 4723) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill increasing the term of loans of the Ashfield Water District (House, No. 4911).
By the same member, for the same committee, on a petition, a Bill authorizing the town of Orleans to convey a certain parcel of conservation land (House, No. 5084) [Local Approval Received].

By the same member, for the same committee, on House, No. 4718, a Bill relative to certain records of local historical commissions (House, No. 5347) [Local Approval Received].

By Mr. Caron of Springfield, for the committee on Public Safety, on part of the petition House, No. 1193 (as relates to sections 4, 5 and 6), a Bill relative to commercial driver licenses (House, No. 5348).

By Mr. Karol of Attleboro, for the committee on Transportation, on House, Nos. 216 and 222, a Bill designating a certain rest area in the town of Wareham as the Reginald F. Washburn Memorial Rest Area (House, No. 222).

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the Hyde Park district of the city of Boston as the Joseph M. Kearney Bridge (House, No. 865, changed by striking out, in line 4, the words “Joseph M. Kearney bridge” and inserting in place thereof the words “Honorable Joseph M. Kearney Memorial Bridge”; and by striking out the title and inserting in place thereof a new title.)

By the same member, for the same committee, on a petition, a Bill to designate the traffic island at the intersection of route 193, Thompson Road and exit one of Interstate 395 in the town of Webster as the Anthony Dauksz Memorial Square (House, No. 4620).

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the city known as the town of Methuen as the Frank S. Giles Memorial Bridge (House, No. 4982, changed by inserting before the word “Frank”, in line 4 and also in the title, the word “Honorable”).

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

By Ms. Buell of Greenfield, for the committee on Health Care, ought NOT to pass, on so much of the recommendations of the Department of Public Health (House, No. 176) as relates to providing for the use of marijuana in therapeutic research (accompanied by bill, House, No. 182).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1126) of Kevin W. Fitzgerald that third party payors and other purchasers of acute care hospital services be directed to offer contracts to certain hospitals.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1886) of Gregory W. Sullivan relative to the boards of trustees of certain hospitals of the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2060) of Kevin P. Blanchette and other members of the General Court for legislation to provide for equitable reimbursement for hospital services.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2448) of Albert Herren and other members of the General Court for legislation to regulate charges and provide for the financing of health care services.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2656) of Daniel E. Bosley and another relative to the continuation of certain health care cost containment measures.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3008) of Francis G. Mara for legislation to provide for the reimbursement of acute care hospitals.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3162) of Thomas G. Palumbo and Larry F. Giordano for legislation to require that the Department of Mental Health hospitals be licensed by the Department of Public Health.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3364) of John E. McDonough and other members of the House for legislation to finance health services for residents of the Commonwealth and to moderate the growth of health care costs.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3367) of John E. McDonough that health care facilities be prohibited from charging for audits of bills of patients.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3580) of the Mass. State Council of Carpenters and John A. Businger that health care facilities be prohibited from charging for audits of bills of patients.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3581) of Vincent P. Ciampa, Lida E. Harkins, Emile J. Goguen, Edward G. Connolly and Anthony P. Giglio that provision be made for the preservation of essential community hospitals.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4106) of John F. Cox relative to providing equitable reimbursement for hospital services.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4486) of Daniel E. Bosley and another for legislation to make certain changes in the acute care hospital payment system.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4870) of Patricia D. Jehlen for legislation to establish a Canadian-style health security program.

Severally placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

Engrossed bills
Relative to the practice of nursing (see House, No. 4995); and
Placing the office of chief of police of the city of Pittsfield under
the civil service law (see House, No. 5148);
(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.

Recess.

At eleven minutes after eleven o'clock A.M., on motion of
Ms. Bump of Braintree (Mr. Voke of Chelsea being in the Chair),
the House recessed until half past one o'clock P.M.; and at nineteen
minutes before two o'clock the House was called to order with
Mr. Angelo of Saugus in the Chair.

Paper from the Senate.

The House Bill relative to restoring solvency to the Unemploy-
ment Insurance Trust Fund (House, No. 2935, amended) 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 1464.
Under suspension of the rules, on motion of Ms. Bump of
Braintree, the amendment was considered forthwith.
The House then non-concorded 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.
Representatives Bump, Bosley of North Adams and Coon of Andover
were appointed as the committee on the part of the House. Sent to
the Senate to be joined.
Subsequently the bill came from the Senate with the endorsement
that said branch had concurred in the appointment of a committee
of conference on the disagreeing votes of the two branches; and that
Senators Pines, McGovern and Swift had been joined on the part
of the Senate.

At seventeen minutes before two o'clock P.M., on motion of
Mr. Scaccia of Boston (Mr. Angelo of Saugus 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:

Eternal God, our Creator and the Judge of our decisions, fill our hearts with wisdom and our minds with knowledge as we carry out our legislative and personal responsibilities. When we consider the gifts which You give us daily and the human and material resources which we enjoy, we know that You are good. In turn, may the example we give, the programs which we support, the legislation which we enact and the personal and religious values which we hold, encourage all to be concerned with the common good. Teach us to strive for intellectual, ethical and political excellence in our effort to meet the needs of the people and the times.

Bestow Your blessing 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.

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 establishing a sick leave bank for an employee of the Department of Social Services [see House, No. 5264] (for message, see House, No. 5354) was filed in the office of the Clerk on Friday last.

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 reenactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Karol of Attleboro, to the committee on Bills in the Third Reading.

Changes in Joint Standing Committees.

The Speaker announced the following changes in joint standing committees:

That Representative Mariano of Quincy had been appointed to the eighth position on the committee on Counties to fill the existing vacancy; and

That Representative Gonsalves of Dartmouth had been appointed to the eighth position on the committee on State Administration to fill an existing vacancy.
Statement Concerning Representative Bump of Braintree.

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 Bump of Braintree, is unable to be present in the House Chamber due to official business outside of the Commonwealth. Any roll calls that she may miss this week 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.

Statement of Representative Cohen of Newton.

During consideration of the Orders of the Day, Mr. Cohen of Newton 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 being called out of the State House on an important matter. Any roll calls that I missed today was due entirely to the reason stated. Had I been present for the taking of Yea and Nay No. 92, I would have voted in the negative. Had I been present for the taking of Yea and Nay No. 93, I would have voted in the affirmative.

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

Statement Concerning Representative Harkins of Needham.

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 Harkins of Needham, will not be present in the House Chamber for today's sitting due to her attendance at the funeral of a family member. Any roll calls that she 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.

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; and introduced Jennifer Venice, Miss Fall River; Cheryl Bigos, Miss New Bedford; and Somerset's Young Woman of the Year, Miss Kathleen Killoran. They were accompanied by Mr. and Mrs. Batellow, co-chairs of the Miss Fall River Contest. They were the guests of the Chair and Represent-
atives Correia of Fall River, Herren of Fall River, Lambert of Fall River and Travis of Rehoboth.

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 Messrs. Angelo of Saugus and Roosevelt of Boston) on the United Nations conference on environment and development (UNCED);
- Resolutions (filed by Mr. Dempsey of Haverhill) honoring Stanislaw Kmiec;
- Resolutions (filed by Mrs. Lewis of Bridgewater) congratulating Peter F. Swarce on receiving the Eagle Award of the Boy Scouts of America;
- Resolutions (filed by Mr. Mann of Hanson) commending Chief George E. Twoomey of the Hanson Police Department on the occasion of his retirement;
- Resolutions (filed by Mr. Miceli of Wilmington) congratulating Deacon William Emerson on the occasion of his retirement from the Tewksbury School Committee;
- Resolutions (filed by Mr. Miceli of Wilmington) congratulating Benjamin Maxwell on the occasion of his retirement from the Tewksbury School Committee; and
- Resolutions (filed by Ms. Resor of Acton) congratulating Oliver A. Will 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 Mr. Dempsey, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

The following petitions (having been deposited in the office of the Clerk previously to five o'clock in the afternoon on Wednesday, November 6, 1991) were presented and they were referred, under Rule 24 and Joint Rule 13, as follows:

- By Mr. Cass of Wakefield, petition (accompanied by bill, House, No. 5356) of William F. Cass for legislation to further regulate dental hygienists. To the committee on Health Care.
- By Mr. Hawke of Gardner (by request), petition (accompanied by bill, House, No. 5352) of Kathleen Lesneski (with the approval of the mayor and city council) that the city of Gardner be authorized to regulate speed limits for motor vehicles and to exclude certain types of vehicles from public ways. To the committee on Public Safety.

Severally sent to the Senate for concurrence.
Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 1467) of Henri S. Rauschenbach and Eric Turkington for legislation relative to the management of "The James P. Cahen Medical Fund" established to provide free medical and surgical aid to residents of Martha's Vineyard. To the committee on Counties.

Petition (accompanied by bill, Senate, No. 1468) of Robert L. Hedlund for legislation relative to autobody repair shops, and the reasonable cost of repair. To the committee on Insurance.

Reports of Committees.

By Mr. Caron of Springfield, for the committee on Public Safety, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2359) of J. Michael Ruane for legislation to further regulate penalties for the violation of regulations governing the transportation of unsafe materials on certain highways, — 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.

By Mr. Caron of Springfield, for the committee on Public Safety, on a petition, a Bill providing for the licensing of apprentice hoisting engineers (House, No. 2704).

By the same member, for the same committee, on a petition, a Bill permitting the assessment of civil penalties on violators of the hoisting engineers' licensing law (House, No. 2705).

By the same member, for the same committee, on a petition, a Bill to establish a state karate commission (House, No. 3251).

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

By Mr. Rushing of Boston, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 769) of Edward A. LeLacheur and Susan F. Rourke for legislation to authorize the city of Lowell to establish a hunger/homeless commission.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3613) of Thomas S. Cahir (by vote of the town) relative to the position of tree warden in the town of Bourne.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4722) of John C. Klimm relative to the Barnstable Fire District of the town of Barnstable.

By Mr. Caron of Springfield, for the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 411) of Mary Jeanette Murray for legislation to prohibit the sale of motor fuel containing alcohol.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 622) of Anthony M. Mandile for legislation to further regulate the speed of motor vehicles in certain districts.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 798) of Joseph N. Hermann for legislation to prohibit motor vehicles from passing on the right.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1187) of William Constantino, Jr., for legislation to prohibit the use of radar detectors in motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1366) of William J. Glodis, Jr., for legislation to further regulate the control of noise pollution from motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1746) of Paul E. Caron and James P. Jajuga for legislation to modify the hoisting engineers' licensing and training law.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1763) of Albert L. O'Neil and Angelo M. Scaccia relative to the passing of one motor vehicle by another vehicle traveling in the same direction.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2354) of J. Michael Ruane and another for legislation to regulate the playing of radio and sound systems during the operation of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2706) of Local 4, IUOE, AFL-CIO, Paul E. Caron, Suzanne M. Bump, James P. Jajuga, William R. Keating and another for legislation to modify the licensing and training law for hoisting engineers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3424) of Domenic A. Screnci, Jr., for legislation to require all public garages to install lights or devices to alert pedestrians of the exiting of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3425) of Marguerite Ferullo for legislation to restrict the use of mobile telephones while operating a motor vehicle.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4294) of Bradley W. Boyd and Robert H. Marsh relative to special regulations by cities and towns for the speed of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4570) of Forrester A. Clark, Jr., for legislation to increase the penalty for failing to stop for a red light at traffic intersections.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4571) of Forrester A. Clark, Jr., relative to certain traffic violations.

By Mr. Karol of Attleboro, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 484) of Mary Jeanette Murray that the Department of Public Works be directed to install street lighting on Washington Boulevard in the towns of Hingham and Hull.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 863) of Joseph N. Hermann that the Department of Public Works be required to provide financial assistance grants to eligible intercity carriers and local agencies for the improvement of public transportation.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1244) of Jonathan L. Healy for legislation to authorize full state funding for projects on all local roads and roads which are part of the state aid primary system.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3849) of Jacqueline Lewis for legislation to designate a certain bridge on Route 104 in the town of Bridgewater as the Korean War Veterans Memorial Bridge.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4617) of Forrester A. Clark, Jr., for legislation to prohibit the operation of tandem unit eighteen wheel tractor trailers on certain public ways.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5141) of Eliot Taylor for legislation to further regulate the grading of public highways.

By Mr. Hynes of Marshfield, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4985) of Frank M. Hynes that the Department of Public Works be directed to repair or replace the North River Bridge between the towns of Scituate and Marshfield.

Severally placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Orders of the Day.

The House Bill further regulating the filing of absent voting ballots (House, No. 5142), 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.

The Senate Bill relative to the membership of the finance committee and the appointment of a tree warden in the town of Easton (Senate, No. 1380); and House bills Designating a certain rest area in the town of Wareham as the Reginald F. Washburn Memorial Rest Area (House, No. 222);
Designating a certain bridge in the Hyde Park district of the city of Boston as the Honorable Joseph M. Kearney Memorial Bridge (House, No. 865, changed);

To increase the amount of money that may be borrowed by the Thorndike Fire and Water District in the town of Palmer and to extend the time limit within which such loans shall be payable (House, No. 1437);

Authorizing the town of Rockport to grant a driveway easement over a section of watershed land (House, No. 2514);

Authorizing certain agreements between the Merrimack Valley Planning Commission and cities and towns (House, No. 3759);

To designate the traffic island at the intersection of Route 193, Thompson Road and exit one of Interstate 395 in the town of Webster as the Anthony Dauksz Memorial Square (House, No. 4620);

Relative to the appointment of a superintendent of public works in the town of South Hadley (House, No. 4723);

Increasing the term of loans of the Ashfield Water District (House, No. 4911);

Designating a certain bridge in the city known as the town of Methuen as the Honorable Frank S. Giles Memorial Bridge (House, No. 4982, changed);

Authorizing the town of Orleans to convey a certain parcel of conservation land (House, No. 5084);

Relative to high school graduation dates (House, No. 5150);

Relative to certain records of local historical commissions (House, No. 5347); and

Relative to commercial driver licenses (House, No. 5348);

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

The House report of the committee on Health Care, ought NOT to pass, on so much of the recommendations of the Department of Public Health (House, No. 176) as relates to providing for the use of marijuana in therapeutic research (accompanied by bill, House, No. 182) was accepted. Sent to the Senate for concurrence.

House reports

Of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 1126) of Kevin W. Fitzgerald that third party payors and other purchasers of acute care hospital services be directed to offer contracts to certain hospitals;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1886) of Gregory W. Sullivan relative to the boards of trustees of certain hospitals of the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2060) of Kevin P. Blanchette and other members of the General Court for legislation to provide for equitable reimbursement for hospital services;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2448) of Albert Herren and other members of the General Court for legislation to regulate charges and provide for the financing of health care services;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2656) of Daniel E. Bosley and another relative to the continuation of certain health care cost containment measures;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3008) of Francis G. Mara for legislation to provide for the reimbursement of acute care hospitals;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3364) of John E. McDonough and other members of the House for legislation to finance health services for residents of the Commonwealth and to moderate the growth of health care costs;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3367) of John E. McDonough that health care facilities be prohibited from charging for audits of bills of patients;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3580) of the Mass. State Council of Carpenters and John A. Businger that health care facilities be prohibited from charging for audits of bills of patients;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3581) of Vincent P. Ciampa, Lida E. Harkins, Emile J. Goguen, Edward G. Connolly and Anthony P. Giglio that provision be made for the preservation of essential community hospitals;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4106) of John F. Cox relative to providing equitable reimbursement for hospital services;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4486) of Daniel E. Bosley and another for legislation to make certain changes in the acute care hospital payment system; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4870) of Patricia D. Jehlen for legislation to establish a Canadian-style health security program; Severally were accepted.

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 Monday, March 30.
Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Walsh of Peabody, 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 Mr. Voke of Chelsea in the Chair.

Mental health hospitals,— regulate.

The House report of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 3162) of Thomas G. Palumbo and Larry F. Giordano for legislation to require that the Department of Mental Health hospitals be licensed by the Department of Public Health, was accepted.

Congress, — redirect spending.

Before consideration of the Orders of the Day, Mrs. Menard of Somerset, for the committee on Rules, reported that the recommitted Resolutions memorializing the Congress to redirect federal spending to support social and economic needs (House, No. 5149) ought to be adopted.

Under suspension of Rule 41, on motion of Ms. Hildt of Amesbury, the resolutions were considered forthwith.

Pending the question on adoption of the amendment offered by Mr. Peters of Charlton on February 25, — that the resolutions be amended by substitution of Resolutions memorializing the Congress to redirect federal spending to support state's national guard needs (House, No. 5355), — and the main question on adoption, further consideration thereof was postponed, on further motion of Ms. Hildt, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the subject-matter was considered further.

After debate on the question on adoption of the amendment offered by Mr. Peters (Mr. Serra of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 91 members voted in the affirmative and 49 in the negative.

[See Yea and Nay No. 92 in Supplement.]

Therefore the amendment was adopted.

On the question on adoption of the substituted resolutions, the sense of the House was taken by yeas and nays, at the request of Mr. Karol of Attleboro; and on the roll call 135 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 93 in Supplement.]

Therefore the resolutions (House, No. 5355) were adopted.

Order.

On motion of Mr. Ciampa of Somerville, —

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.
Mr. Voke of Chelsea then moved that the House adjourn; and the motion prevailed, by a vote of 24 to 11. Accordingly, at four minutes after two o'clock P.M. (Mr. Serra of Boston being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.
Wednesday, March 25, 1992.

Met according to adjournment, at eleven o'clock A.M., with Mr. Walsh of Peabody 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, Infinite Source of Wisdom and Goodness, guide our efforts to serve You and the people in our districts. Make us eager to work with colleagues, neighbors and friends in building a just and stable society which addresses the needs of the people and the community. Teach us to organize our programs and priorities around sound principles and Your precepts rather than on pragmatic decisions. May we learn from history, past and contemporary, from the faulty reasoning of others, so that our vision of the future will be realistic and beneficial for all. Grant us the courage to say “yes” to sound proposals and “no” to unworthy causes.

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

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

Messages from the Governor.

The following messages from His Excellency the Governor recommending legislation relative to criminal penalties and other related matters were filed in the office of the Clerk on Thursday, March 12, and were referred, under Rule 30, as follows:

- An Act to increase the penalties for bribery (House, No. 5357);
- An Act to increase the penalties for major frauds, thefts and embezzlements (House, No. 5358);
- An Act to enhance criminal fines imposed by the Commonwealth (House, No. 5359);
- An Act relative to banking crimes (House, No. 5360);
- An Act establishing the crime of money laundering (House, No. 5361);
- An Act establishing the crime of racketeering activity through a criminal enterprise (House, No. 5362);
- An Act to further prohibit and punish drive-by shootings and the discharge of firearms in the community (House, No. 5363);
- An Act to further punish the possession and use of firearms by convicted felons (House, No. 5364);
- An Act relative to aggravated assaults (House, No. 5365);
- An Act to ensure the safety of the public and the appearance of defendants in criminal matters (House, No. 5366);
- An Act providing for the further public safety of the citizens of the Commonwealth (House, No. 5367);
An Act further strengthening and clarifying the immunity laws of the Commonwealth (House, No. 5368);
An Act relative to electronic surveillance by law enforcement (House, No. 5369);
An Act providing for the authorization of pen register and trap and trace devices and clone beepers for use by law enforcement authorities (House, No. 5370);
An Act authorizing certain medical tests for convicted sex offenders (House, No. 5371);
An Act to promote truth in sentencing and to establish a department of community reintegration (House, No. 5372);
An Act reinstituting the death penalty in the Commonwealth (House, No. 5373); and
An Act relative to the penalties for motor vehicle theft and unauthorized use of a motor vehicle (House, No. 5374);
Severally to the committee on Criminal Justice.
Severally sent to the Senate for concurrence.

Change in a Joint Standing Committee.

The Speaker announced that Representative Kerans of Danvers had been appointed to the eighth position on the committee on Taxation to fill an existing vacancy.

Statement of Representative Moore of Uxbridge.

Before proceeding to 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 unable to be present in the House Chamber for the sitting of Monday, March 23, due to being outside of the Commonwealth. Had I been present for Yea and Nay Nos. 92 and 93, I would have voted in the affirmative.

Mr. Moore 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 Mr. Voke of Chelsea) honoring William McCabe on his retirement as Commissioner of the Massachusetts Department of Public Safety;
Resolutions (filed by Mr. Honan of Boston) honoring Sumner Kaplan, Department Commander of the Jewish War Veterans of the United States; and
Resolutions (filed by Mrs. Owens-Hicks of Boston) honoring Delta Sigma Theta Sorority;

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 Mr. Voke,
the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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

- Resolutions (filed by Mr. Connolly of Everett) on the occasion of the twenty-fifth anniversary of Pope John XXIII Central High School;
- Resolutions (filed by Ms. Kerans of Danvers) congratulating Evangeline Toomey on the occasion of her retirement; and
- Resolutions (filed by Mr. Sullivan of Abington) honoring Roger Gibbs Fisher, Jr.;

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 Mr. Connolly, 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 by Mrs. Murray of Cohasset) relative to amending Joint Rule 10A to provide a method for standing committees of the General Court to report on pending legislation which had been previously enacted into law (House, No. 5380) was referred, under Rule 85, to the committee on Rules.

**Petitions.**

Mr. Angelo of Saugus presented a petition (subject to Joint Rule 12) of Steven Angelo, Walter J. Boverini and Thomas F. Birmingham (by vote of the town) relative to the establishment of a funding schedule for the retirement system of the town of Saugus; 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. Angelo, 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.

Mr. Caron of Springfield presented a petition (subject to Joint Rule 12) of Paul E. Caron and James P. Jajuga relative to extending the time for the special commission (including members of the General Court) to report on revising the vehicle emissions inspections and maintenance program and other related matters; 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 of 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. Caron, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by resolve) was referred to the committee on Public Safety. Sent to the Senate for concurrence.

Mr. McDonough of Boston presented a petition (subject to Joint Rule 12) of John E. McDonough for legislation to authorize clerks and assistant clerks of courts to adjudicate small claims; 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. McDonough, 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. McDonough of Boston presented a petition (subject to Joint Rule 12) of John E. McDonough relative to the effective use of resources by investing pendant and ancillary jurisdiction with the Housing Court Department; 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. McDonough, 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. McDonough of Boston presented a petition (subject to Joint Rule 12) of John E. McDonough for legislation to increase the number of housing court judges in the city of Boston; 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. McDonough, 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.

Ms. Resor of Acton presented a petition (subject to Joint Rule 12) of Pamela P. Resor relative to revolving funds for public school transportation; 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 Ms. Resor, 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.

Papers from the Senate.

The House 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 (House, No. 5336) 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 1470.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) 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. Representatives Finneran, Kennedy of Brockton and Poirier of North Attleborough were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:


Petition (accompanied by bill, Senate, No. 1471) of Robert A. Havern for legislation to simplify the process by which cities and towns amend their by-laws; and

Petition (accompanied by bill, Senate, No. 1472) of Charles E. Shannon, Michael E. Capuano, Vincent P. Ciampa, Peter A. Vellucci and Patricia D. Jehlen for legislation to extend the time by which the budget must be submitted in cities;

Severally 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 following petitions:

Petition (accompanied by bill) of Edward G. Connolly and other members of the House relative to security deposits on commercial leases. To the committee on Commerce and Labor.
Petition (accompanied by bill) of John C. Klimm and another for legislation to require the illumination of motor vehicle headlights whenever windshield wipers are in operation. To the committee on Public Safety.

Petition (accompanied by bill) of John C. Klimm for legislation to designate Route 6A within Barnstable County as a scenic road. To the committee on Transportation.

Under suspension of Rule 42, on motion of Mr. Connolly of Everett, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 Jonathan L. Healy for legislation to authorize the retail sale of alcoholic beverages not to be drunk on the premises on Sundays in certain cities and towns. To the committee on Government Regulations.

Petition (accompanied by bill) of Jonathan L. Healy for legislation to increase the borrowing capacity of the Montague Center Water District. To the committee on Local Affairs.

Under suspension of Rule 42, on motion of Mr. Healy of Charlemont, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 Jeffery J. Hayward and another for legislation to require banks to issue quarterly mortgage statements. To the committee on Banks and Banking.

Petition (accompanied by bill) of Paul Kollios relative to the rates paid to home care corporations. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Vincent P. Ciampa relative to classifications of risks for instructors of motorcycle rider training programs under the motor vehicle insurance laws. To the committee on Insurance.

Petition (accompanied by bill) of Vincent P. Ciampa relative to modulating headlights on motorcycles. To the committee on Public Safety.

Under suspension of Rule 42, on motion of Mr. McDonough of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 Joseph N. Hermann in regard to veterans.
for legislation to designate a portion of state highway Route 114 in
the towns of Middleton and North Andover and the city of Lawrence
as the Vietnam Veterans Memorial Highway. Under suspension of
Rule 42, on motion of Mr. Connolly of Everett, the report was
considered forthwith. Joint Rule 12 was suspended; and the petition
(acompanied by bill) was referred to the committee on Transpor-
tation. 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 petition of Philip Travis for
payment from the state treasury of a certain sum of money to
Theodore and Hazel Mohr of the town of Norton for future special
needs costs of a mentally ill and retarded adopted daughter. Under
suspension of Rule 42, on motion of Mr. Connolly of Everett, 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.

By Mr. Rushing of Boston, for the committee on Local Affairs,
on a petition, a Bill relative to financial conditions in the city of
Lowell (House, No. 5349), which was read [Local Approval
Received].

Under suspension of the rules, on motion of Ms. Rourke of
Lowell, the bill was read a second time forthwith; and it was ordered
to a third reading.

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; and it was passed to
be engrossed. Mr. LeLacheur of Lowell moved that this vote be
reconsidered; and, there being no objection, the motion to reconsider
was considered forthwith and it was negatived. Sent to the Senate
for concurrence.

By Mr. DiMasi of Boston, for the committee on the Judiciary,
asking to be discharged from further consideration of the petition
(accompanied by resolutions, House, No. 1327) of William J.
Glodis, Jr., and John J. Binienda for adoption of resolutions by the
General Court memorializing the Congress of the United States to
propose an amendment to the United States Constitution
authorizing the Congress and the states to prohibit the physical
desecration of the flag of the United States, — and recommending
that the same be referred to the committee on Federal Financial
Assistance. Under Rule 42, the report was considered forthwith; and
it was accepted. Sent to the Senate for concurrence.

By Ms. Buell of Greenfield, for the committee on Health Care,
on Senate, Nos. 409 and 444 and House, Nos. 1497, 1498, 2268 and
2449, an Order relative to authorizing the committee on Health Care
to make an investigation and study of certain Senate and House
documents concerning the determination of need program for health care facilities and other related matters (House, No. 5376).

By the same member, for the same committee, on Senate, Nos. 451, 478 and 484 and House, Nos. 1123, 1124, 3000 and 4488, an Order relative to authorizing the committee on Health Care to make an investigation and study of certain Senate and House documents concerning uncompensated care pool for medical services (House, No. 5377).

By the same member, for the same committee, on House, No. 4253, an Order relative to authorizing the committee on Health Care to make an investigation and study of a certain House document exempting cities and towns from extra costs incurred under the medical security law (House, No. 5378).

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

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill to establish a Massachusetts commission on the status of women (House, No. 2372). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Hodgkins of Lee, for the committee on State Administration, on the recommendation of the Department of Youth Services, a Bill relative to the organizational structure of the Department of Youth Services (House, No. 290).

By the same member, for the same committee, on House, Nos. 815 and 3808, a Bill to amend the collective purchasing statutes so as to permit state agencies to join in collective purchasing efforts of cities and towns (House, No. 815).

By the same member, for the same committee, on House, Nos. 821, 2373, 2375 and 3813, a Bill allowing members of the General Court to request certain reports from the Division of Local Mandates (House, No. 821).

By the same member, for the same committee, on House, Nos. 1591, 4604 and 5241, a Bill relative to historic districts and landmarks (House, No. 1591).

By the same member, for the same committee, on a petition, a Bill prohibiting discrimination or retaliation against employees who file complaints with the Department of Social Services (House, No. 1791).

By the same member, for the same committee, on Senate, No. 1150 and House, No. 2371, a Bill relative to the Architectural Access Board (House, No. 2371).

By the same member, for the same committee, on a petition, a Bill relative to local mandates (House, No. 2553).

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

House reports

Of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 769) of Edward A. LeLacheur and Susan F. Rourke for legislation to authorize the city of Lowell to establish a hunger/homeless commission;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3613) of Thomas S. Cahir (by vote of the town) relative to the position of tree warden in the town of Bourne; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4722) of John C. Klimm relative to the Barnstable Fire District of the town of Barnstable;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 622) of Anthony M. Mandile for legislation to further regulate the speed of motor vehicles in certain districts;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 798) of Joseph N. Hermann for legislation to prohibit motor vehicles from passing on the right;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1366) of William J. Glodis, Jr., for legislation to further regulate the control of noise pollution from motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1746) of Paul E. Caron and James P. Jajuga for legislation to modify the hoisting engineers' licensing and training law;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1763) of Albert L. O'Neil and Angelo M. Scaccia relative to the passing of one motor vehicle by another vehicle traveling in the same direction;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2354) of J. Michael Ruane and another for legislation to regulate the playing of radio and sound systems during the operation of motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2706) of Local 4, IUOE, AFL-CIO, Paul E. Caron, Suzanne M. Bump, James P. Jajuga, William R. Keating and another for legislation to modify the licensing and training law for hoisting engineers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3424) of Domenic A. Screnci, Jr., for legislation to require all public garages to install lights or devices to alert pedestrians of the exiting of motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3425) of Marguerite Ferullo for legislation to restrict the use of mobile telephones while operating a motor vehicle; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4294) of Bradley W. Boyd and
Robert H. Marsh relative to special regulations by cities and towns for the speed of motor vehicles; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 863) of Joseph N. Hermann that the Department of Public Works be required to provide financial assistance grants to eligible intercity carriers and local agencies for the improvement of public transportation;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3849) of Jacqueline Lewis for legislation to designate a certain bridge on Route 104 in the town of Bridgewater as the Korean War Veterans Memorial Bridge;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4985) of Frank M. Hynes that the Department of Public Works be directed to repair or replace the North River Bridge between the towns of Scituate and Marshfield; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5141) of Eliot Taylor for legislation to further regulate the grading of public highways;

Severally were accepted.

The House Bill relative to commercial driver licenses (House, No. 5348), 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. Caron of Springfield moved that it be amended by adding at the end thereof the following section:

"SECTION 4. Section 58 of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the word 'rebuilding', in line 29, the words: — and selling."

The amendment was adopted; and the bill (House, No. 5348, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1187) of William Constantino, Jr., for legislation to prohibit the use of radar detectors in motor vehicles, was considered.

Pending the question on acceptance of the report, the petition was referred to the committee on Ways and Means, on motion of Mr. DeFilippi of West Springfield.

At a quarter after eleven o'clock A.M., on motion of Mr. Flaherty of Cambridge (Mr. Walsh of Peabody 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 the Speaker in the Chair.
House reports

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 411) of Mary Jeanette Murray for legislation to prohibit the sale of motor fuel containing alcohol;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4570) of Forrester A. Clark, Jr., for legislation to increase the penalty for failing to stop for a red light at traffic intersections; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 4571) of Forrester A. Clark, Jr., relative to certain traffic violations; and

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 484) of Mary Jeanette Murray that the Department of Public Works be directed to install street lighting on Washington Boulevard in the towns of Hingham and Hull;

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1244) of Jonathan L. Healy for legislation to authorize full state funding for projects on all local roads and roads which are part of the state aid primary system; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4617) of Forrester A. Clark, Jr., for legislation to prohibit the operation of tandem unit eighteen wheel tractor trailers on certain public ways;

Severally were accepted.

Report of a Committee.

Ms. Bump of Braintree, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1464) of the House Bill relative to restoring solvency to the Unemployment Insurance Trust Fund (House, No. 2935, amended), reports recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein with the following further amendment:

Striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5379; and that the Senate concur in the further amendment.

Under suspension of Rule 42, on motion of Mr. Bosley of North Adams, the report (having been approved by the committee on Bills in the Third Reading) was considered forthwith.

Pending the question on acceptance of the report of the committee of conference, Mr. DeFilippi of West Springfield 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 138 members were
recorded as being in attendance.

[See Yea and Nay No. 94 in Supplement.]

Therefore a quorum was present.

After debate on the question on acceptance of the report of the
committee of conference, the sense of the House was taken by yeas
and nays, at the request of Mr. Marsh of Wellesley; and on the roll
call 110 members voted in the affirmative and 40 in the negative.

[See Yea and Nay No. 95 in Supplement.]

Therefore the report of the committee of conference was accepted.
The report then was sent to the Senate for concurrence.

Recess.

At two minutes after two o’clock P.M., on motion of Mr. Miceli
of Wilmington (the Speaker being in the Chair), the House recessed
until half past three o’clock P.M.; and at twenty minutes before four
o’clock the House was called to order with the Speaker in the Chair.

Emergency Measure.

The engrossed Bill relative to restoring solvency to the
Unemployment Insurance Trust Fund (see House, No. 2935,
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
19 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 Speaker and sent to
the Senate.

Order.

On motion of Mr. Bosley of North Adams, —

Ordered, That when the House adjourns today, it adjourn to meet
tomorrow at eleven o’clock A.M.; when the House adjourns
tomorrow, 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 the next sitting.

Next sittings and printing of Calendar.

At ten minutes before four o’clock P.M., on motion of Mr. Ruane
of Salem (the Speaker being in the Chair), the House adjourned,
to meet tomorrow at eleven o’clock A.M., in an Informal Session.
Thursday, March 26, 1992.

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:

Gracious God, we pause for a moment to think about Your reality and the importance of spiritual values and transcendent goals in our lives. May our relationship with You and our concern for accepting Your will remain meaningful even though our minds and schedules are filled with personal and legislative duties. Help us to honor our commitments, to fulfill our obligations, and to serve the people who look to us for direction in public policy during these complex 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.

Resolutions.

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

Resolutions (filed by Messrs. Cahir of Bourne and Decas of Wareham) congratulating Robert A. Smith on the occasion of his retirement;

Resolutions (filed by Mr. Koczera of New Bedford) on the occasion of Vietnam Veterans Day in the Commonwealth;

Resolutions (filed by Mr. McIntyre of New Bedford) congratulating Reverend William F. O'Connell on the occasion of the fortieth anniversary of his ordination to the priesthood;

Resolutions (filed by Mr. Sullivan of Abington) on the occasion of Vietnam Veterans Day in the Commonwealth; and

Resolutions (filed by Mr. Thompson of Cambridge) congratulating Reverend Clyde Nathaniel Thornhill on the occasion of his retirement;

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. Cruz of West Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions (having been returned by the State Secretary, under the provisions of Chapter 3 of the General Laws, with memoranda relative thereto) severally were referred, under Rule 24, as follows:
By Mr. Cox of Lowell, petition (accompanied by bill, House, No. 5395) of the Mutual Savings Central Fund, Inc., and John F. Cox relative to the election of the directors of said fund. To the committee on Banks and Banking.

By Mr. Scibelli of Springfield, petition (accompanied by bill, House, No. 5396) of Anthony M. Scibelli that the City Library Association of Springfield be authorized to charge admission fees for certain museums. To the committee on Commerce and Labor.

Severally sent to the Senate for concurrence.

Mr. Walsh of Agawam presented a petition (subject to Joint Rule 12) of Michael P. Walsh for legislation to regulate home improvement contractors, 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. Walsh of Agawam, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Government Regulations. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Blanchette of Lawrence, petition (subject to Joint Rule 12) of Kevin P. Blanchette relative to authorizing the Division of Capital Planning and Operations to release the Commonwealth's interest in a certain agreement pertaining to land in the city of Lawrence.

By Ms. Buell of Greenfield, petition (subject to Joint Rule 12) of Carmen D. Buell and Stanley C. Rosenberg relative to bone marrow donations.

By Mr. Businger of Brookline, petition (subject to Joint Rule 12) of Michael W. Merrill, John A. Businger, Marc D. Draisen, Lois G. Pines and others relative to the procedure for filling a vacancy in the office of town meeting member.

By Mr. Cahir of Bourne (by request), petition (subject to Joint Rule 12) of Joseph F. Fabbio for legislation to regulate the operation of motor vehicles in the break-down lanes on certain roadways of the Commonwealth.

By Mr. Cangiamila of Billerica, petition (subject to Joint Rule 12) of Brion M. Cangiamila and another relative to the annual assessment of real estate taxes.

By the same member, petition (subject to Joint Rule 12) of Brion M. Cangiamila relative to the collection of motor vehicle excise taxes.

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey and another relative to the operation of motorcycles.

By the same member, petition (subject to Joint Rule 12) of Paul C. Casey and another relative to the use of helmets by motorcyclists in the Commonwealth.
By Mr. Cass of Wakefield (by request), petition (subject to Joint Rule 12) of Norma Powell relative to the procedure for the appointment of receivers by the courts of the Commonwealth.

By the same member (by request), petition (subject to Joint Rule 12) of Laura M. Rea relative to further regulating the motor vehicle laws.

By the same member (by request), petition (subject to Joint Rule 12) of Laura M. Rea relative to the operation of motorcycles.

By Mr. Cox of Lowell, petition (subject to Joint Rule 12) of John F. Cox and Thomas M. Petrolati for legislation to further regulate the sale of brand name alcoholic beverages to wholesalers.

By Mr. Gately of Waltham, petition (subject to Joint Rule 12) of Joseph L. Bradley and David F. Gately relative to further regulating parking of motor vehicles of handicapped and disabled persons.

By Mr. Giordano of Methuen, petition (subject to Joint Rule 12) of Larry F. Giordano and James P. Jajuga for legislation to establish a state wrestling commission.

By the same member, petition (subject to Joint Rule 12) of Larry F. Giordano and James P. Jajuga relative to the possession of open alcoholic beverages within the passenger area of motor vehicles.

By the same member, petition (subject to Joint Rule 12) of Larry F. Giordano relative to monies received from the rental or lease of school buildings by municipalities.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes relative to the removal and disposal of paints and pesticides.

By the same member (by request), petition (subject to Joint Rule 12) of Coleman Mulkern relative to certain motor vehicle violations of a person convicted of driving under the influence of intoxicating liquor, marijuana, a narcotic drug, depressant or stimulant substance.

By Ms. Kerans of Danvers, petition (subject to Joint Rule 12) of Sally P. Kerans for legislation to require the Governor to submit all privatization plans to the General Court for approval before implementation.

By Mrs. Lewis of Bridgewater, petition (subject to Joint Rule 12) of Jacqueline Lewis relative to public education in the Commonwealth.

By Mr. Lionett of Worcester (by request), petition (subject to Joint Rule 12) of Keith J. Harding relative to the enforcement of consumer protection laws by the Attorney General.

By Mr. McDonough of Boston, petition (subject to Joint Rule 12) of John E. McDonough relative to the election for the office of district attorney for Suffolk County.

By Mr. Moore of Uxbridge, petition (subject to Joint Rule 12) of Richard T. Moore for certain changes in the law relative to the Blackstone River and Canal Heritage State Park.

By Mr. O'Sullivan of Worcester, petition (subject to Joint Rule 12) of Kevin O'Sullivan for legislation to prevent accessibility to firearms by children.
By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente and another relative to further regulating adoption agencies.

By the same member, petition (subject to Joint Rule 12) of Marie J. Parente and another relative to requiring an annual audit of adoption agencies.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Douglas W. Petersen, Pamela P. Resor, Janet W. O'Brien, Daniel J. Ranieri and Patricia D. Jehlen relative to the joint operation of public activities by certain governmental units.

By Mr. Ruane of Salem (by request), petition (subject to Joint Rule 12) of Travis McGee for legislation to prohibit smoking in certain residential buildings.

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 establish a funding schedule for the city of Springfield retirement system.

By Mrs. Walrath of Stow, petition (subject to Joint Rule 12) of Patricia A. Walrath and other members of the General Court for legislation to increase the maximum amount of a claim which may be determined under the small claims procedure in the district courts.

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

Papers from the Senate.

The House 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 (House, No. 5336) came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1470) (in which the House had non-concurred).

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, Wetmore and Rauschenbach had been joined as the committee on the part of the Senate.

Bills

Establishing three year terms of office for members of the board of public works for the town of Fairhaven (Senate, No. 887) (reported on a petition) [Local Approval Received];

Establishing the position of town administrator for the town of Nahant (Senate, No. 1425) (reported on a petition) [Local Approval Received]; and

Establishing a landfill capping expense fund for the town of Dartmouth (Senate, No. 1427) (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.
By Mr. Blanchette of Lawrence, for the committee on Public Service, on House, Nos. 2888, 4344, 4345 and 4346, a Bill providing for an early retirement incentive program for state employees (House, No. 5394), which was read.

Under suspension of the rules, on motion of Mr. Blanchette of Lawrence, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on further motion of the same member, until Monday next.

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3628) of Albert Herren, Daniel J. Valianti, John J. Binienda and Robert A. Durand for legislation to require the reporting of carbon dioxide emissions from power generating facilities, — and recommending that the same be referred to the committee on Energy;

By Mr. Karol of Attleboro, for the committee on Transportation, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2927) of Barbara Gardner and other members of the General Court for legislation to provide for bicycle parking spaces, — and recommending that the same be referred to the committee on Public Safety; and

Of the petition (accompanied by bill, House, No. 4217) of Eric Turkington and another that the county of Dukes County be authorized to assess fees on certain persons using public carriers, — and recommending that the same be referred to the committee on Taxation.

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

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, Nos. 2901 and 3444, a Bill concerning the Division of Local Mandates (House, No. 2901).

By the same member, for the same committee, on House, Nos. 2902 and 3445, a Bill concerning state mandates (House, No. 2902).

By the same member, for the same committee, on House, Nos. 2904, 3443, 3796 and 4183, a Bill relative to the Division of Local Mandates (House, No. 2904).

By the same member, for the same committee, on a petition, a Bill establishing an independent office of the Comptroller (House, No. 4184).

By the same member, for the same committee, on a petition, a Bill establishing the office on volunteerism in the Commonwealth (House, No. 4951).

By Mr. Karol of Attleboro, for the committee on Transportation, on a petition, a Bill relative to the disposal of lost, abandoned, and
stolen property by the Massachusetts Bay Transportation Authority (House, No. 1429).

By the same member, for the same committee, on a petition, a Bill authorizing the Massachusetts Bay Transportation Authority to transfer certain land in the Southwest Corridor in the city of Boston to the Metropolitan District Commission for park purposes (House, No. 1431).

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

By Mr. DiMasi of Boston, for the committee on the Judiciary, on a petition, a Bill relative to the engrossing of reorganization plans submitted to the General Court by the Governor (House, No. 5189).

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, Nos. 124 and 129, a Bill making a technical change regarding the Office of the Inspector General (House, No. 129).

By the same member, for the same committee, on a petition, a Bill providing for inventory control of equipment purchased with public funds by private contractors (House, No. 1024).

By the same member, for the same committee, on a petition, a Bill relative to human service providers (House, No. 1025).

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

By Mr. Hodgkins of Lee, for the committee on State Administration, ought NOT to pass, on so much of the recommendations of the Department of the State Auditor (House, No. 3) as relates to the Commonwealth's contract debarment process (accompanied by bill, House, No. 5).

By the same member, for the same committee, ought NOT to pass, on so much of the recommendations of the Department of Mental Retardation (House, No. 169) as relates to creating a trust for the benefit of persons with mental retardation in western Massachusetts (accompanied by bill, House, No. 170).

By the same member, for the same committee, ought NOT to pass, on so much of the recommendations of the Department of Public Works (House, No. 216) as relates to increasing the threshold requiring bids for public contracts and changes necessary to speed the purchasing of materials and repair of vehicle equipment (accompanied by bill, House, No. 218).

By the same member, for the same committee, ought NOT to pass, on so much of the recommendations of the Department of Public Works (House, No. 216) as relates to authorizing the Commissioner of the Division of Capital Planning and Operations to transfer the care, custody and control of certain parcels of land in the city of Lowell from the Department of Environmental Management to said department (accompanied by bill, House, No. 219).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1230) of Kevin O'Sullivan and Arthur E. Chase for legislation to clarify the use of

M.B.T.A.—Southwest Corridor.

Reorganization plans—engrossing.

Inspector General.

Public equipment—inventory.

Human service providers.

Contract debarment process.

Belchertown State School—trust fund.

Public contracts—regulate.

Lowell—land transfer.

Food and Agriculture Department.
certain property under the control of the Department of Food and Agriculture.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1787) of Michael P. Walsh and Paul E. Caron relative to the leasing of excess land of the Public Access Board in the town of Southwick.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3803) of Emanuel G. Serra for legislation to increase the threshold requiring bids for public contracts.

By Mr. Karol of Attleboro, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2400) of David B. Cohen relative to expenses of the Massachusetts Bay Transportation Authority Advisory Board.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 4615) of John A. Businger for an investigation by a special commission (including members of the General Court) relative to the establishment and financing of a no-fare prepaid transit system.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4616) of John A. Businger for legislation to provide for commuter representation on the Board of Directors of the Massachusetts Bay Transportation Authority.

Severally placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bill.

The engrossed Bill designating a certain intersection in the city of Cambridge as the Major General John F. Cremens Park (see House, No. 5145) (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.

Orders of the Day.

The engrossed Bill establishing a sick leave bank for an employee of the Department of Social Services (see House, No. 5264) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 5354) was considered.

The committee on Bills in the Third Reading then reported recommending that the amendment recommended by His Excellency be considered in the following form:

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

"Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Area Program Manager Leonard J. Baxendale. Any employee of
said department of social services may voluntarily contribute one or more of his personal or vacation days to said bank for use by Leonard J. Baxendale."

The report was accepted.

The House then refused to adopt the amendment recommended by His Excellency the Governor. Sent to the Senate for its action.

At fourteen minutes after eleven o'clock A.M., on motion of Mr. Cruz of West Bridgewater (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:

Gracious God, we pause for a moment to step back from the details of today’s schedule in order to reflect on other important issues: our relationship to You, our families and the people whom we represent. Help us to put our personal and legislative priorities in good order and thus carry out our personal and legislative obligations. In Your goodness, strengthen our determination to continue building a civil and stable society which respects truth, justice for all, the right to follow a correct conscience, and reasonable legislative decisions. By our commitment to the common good, may we encourage all to hold in high esteem the value of good citizenship.

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 of Representative Brett of Boston.

During consideration of the Orders of the Day, Mr. Brett 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 will not be present in the House Chamber for a portion of today’s sitting due to official business in another part of the State House. Any roll calls that I may miss today will be due entirely to the reason stated.

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

Statement of Representative Walsh of Peabody.

During consideration of the Orders of the Day, Mr. Walsh of Peabody 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 the early part of today’s sitting due to personal business. Any roll calls that I missed today was due entirely to the reason stated.

Mr. Walsh then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.
The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Hall of Westford) on the occasion of Westford Academy Founders' Day in the Commonwealth;

Resolutions (filed by Ms. Kerans of Danvers) congratulating Captain William Webb of the Danvers Police Department on the occasion of his retirement;

Resolutions (filed by Ms. O'Brien of Hanover) congratulating E. Arnold Joseph on the occasion of his retirement;

Resolutions (filed by Representatives Resor of Acton and Walrath of Stow) congratulating Acton-Boxborough Regional High School on winning the Massachusetts Academic Decathlon;

Resolutions (filed by Mr. Teague of Yarmouth) congratulating Leo P. Turo upon the occasion of his retirement; and

Resolutions (filed by Ms. Walsh of Boston) congratulating William O'Malley 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 Mr. Hall, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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

Resolutions (filed by Mr. Voke of Chelsea) congratulating Fred A. Powell on his retirement from the Massachusetts Department of Employment and Training; and

Resolutions (filed by Ms. Hildt of Amesbury) congratulating Jay Larcome of the Newburyport Police Department for his leadership role in the Project D.A.R.E. program in the Commonwealth;

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. Hildt, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions severally were presented and referred as follows:

By Mr. McDonough of Boston, petition (accompanied by bill, House, No. 5404) of John E. McDonough and Nelson Merced (with the approval of the mayor and city council) for legislation to grant certain judicial powers to the fair housing commission of the city of Boston. To the committee on Housing and Urban Development.

By Mr. Cass of Wakefield, petition (accompanied by bill, House, No. 5405) of William F. Cass (by vote of the town) relative to the board of public works in the town of Wakefield;
By Mr. McDonough of Boston, petition (accompanied by bill, House, No. 5406) of John E. McDonough and Bill Owens (with the approval of the mayor and city council) for legislation to authorize the city of Boston to sell and convey a certain parcel of park land located in the said city; and

By Mr. Roosevelt of Boston, petition (accompanied by bill, House, No. 5407) of Mark Roosevelt (with the approval of the mayor and city council) for legislation to prohibit the construction of any structure which would cast a new shadow on the Boston Public Garden;

Severally to the committee on Local Affairs.

By Mr. Giordano of Methuen, petition (accompanied by bill, House, No. 5408) of James P. Jajuga, Larry F. Giordano and others (with the approval of the town council) for legislation to authorize local control of assault weapons in the city known as the town of Methuen. To the committee on Public Safety.

By Mr. Cox of Lowell, petition (accompanied by bill, House, No. 5409) of John F. Cox, Edward A. LeLacheur and Susan F. Rouke (with the approval of the city council) for legislation to authorize the city of Lowell to establish an early retirement incentive program. To the committee on Public Service.

By Mr. Giordano of Methuen, petition (accompanied by bill, House, No. 5410) of James P. Jajuga, Larry F. Giordano and others (with the approval of the town council) relative to the establishment and classification of water and sewer rates and right of appeal in the city known as the town of Methuen. To the committee on Taxation.

Severally sent to the Senate for concurrence.

Mr. Flaherty of Cambridge presented a petition (subject to Joint Rule 12) of Charles F. Flaherty and William M. Bulger for legislation to revise the judicial system of the Commonwealth; 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. Flaherty, 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. Karol of Attleboro presented a petition (subject to Joint Rule 12) of Stephen J. Karol relative to the use of bow and arrow weapons in the sport of hunting; 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. Karol, the report was considered forthwith. Joint Rule 12 was suspended; and the petition
Petitions severally were presented and referred as follows:

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey relative to the minimum requirements for health benefit plans.

By the same member, petition (subject to Joint Rule 12) of Paul C. Casey and Charles E. Shannon (by vote of the town) for legislation to establish a funding schedule for the retirement system of the town of Winchester.

By Mr. Collaro of Worcester, petition (subject to Joint Rule 12) of Andrew Collaro relative to reimbursement of sheriffs' departments and the Department of Youth Services for certain medical expenses.

By Mr. Cox of Lowell, petition (subject to Joint Rule 12) of John F. Cox and Thomas M. Petrolati relative to wholesalers and importers of alcoholic beverages.

By the same member, petition (subject to Joint Rule 12) of Larry F. Giordano relative to the alleviation of the financial burden imposed on the city known as the town of Methuen by the fire of December twenty-fifth, nineteen hundred and ninety-one.

By the same member, petition (subject to Joint Rule 12) of Larry F. Giordano that provision be made for planning assistance for the city known as the town of Methuen due to the financial burden imposed on said city by the fire of December twenty-fifth, nineteen hundred and ninety-one.

By Mrs. Gray of Framingham, petition (subject to Joint Rule 12) of Barbara E. Gray relative to the period of time for consideration of the merits of eligibility for parole.

By Mr. Mariano of Quincy, petition (subject to Joint Rule 12) of Ronald Mariano for legislation to further regulate life sentences of persons convicted of first and second degree murder.

By Mr. Moore of Uxbridge, petition (subject to Joint Rule 12) of Richard T. Moore and other members of the General Court for legislation to authorize the Superintendent of State Office Buildings to install and maintain a plaque to honor the work of General Marquis de Lafayette and the Franco-American community.

By Miss O'Brien of Easthampton, petition (subject to Joint Rule 12) of Shannon P. O'Brien and others relative to the indemnification of retired police officers and fire fighters.

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

Reports of Committees.

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 following petitions:

Petition (accompanied by bill) of Vincent P. Ciampa and another relative to the by-laws of corporations. To the committee on Commerce and Labor.
Petition (accompanied by bill) of James T. Brett and other members of the General Court for legislation to establish an office of quality assurance for mentally retarded persons. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Patricia A. Walrath and other members of the General Court for legislation to increase the maximum amount of a claim which may be determined under the small claims procedure in the district courts. To the committee on the Judiciary.

Petition (accompanied by bill) of Brion M. Cangiamila relative to the interest or penalties assessed on overdue excise taxes. To the committee on Taxation.

Under suspension of Rule 42, on motion of Mr. Ciampa of Somerville, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally 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 petition of Robert T. Markel (mayor) and Anthony M. Scibelli (with the approval of the mayor and city council) for legislation to establish a funding schedule for the city of Springfield retirement system. 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 Public Service. 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 petition of David H. Locke and Peter Forman for a legislation amendment to the Constitution relative to restricting the increase in taxes. Under suspension of Rule 42, on motion of Mr. Karol of Attleboro, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by proposal) was referred to the committee on Taxation. Sent to the Senate for concurrence.

By Mr. Walsh of Agawam, for the committee on Government Regulations, on a petition, a Bill regulating home improvement contractors (House, No. 5384), which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second and a third time forthwith.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill further regulating home improvement contractors (House, No. 5412), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.
By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1465) of John J. Binienda for legislation to further regulate the operation of motor vehicles while under the influence of intoxicating liquor, — 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.

By Ms. Buell of Greenfield, for the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4257) of Alvin E. Thompson relative to the establishment of educational requirements for licensed acupuncturists by the Board of Registration in Medicine and the Committee on Acupuncture, — and recommending that the same be referred to the committee on Natural Resources and Agriculture. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, on House, Nos. 511, 701, 2037, 2248 and 3336, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain House documents for mandatory sentencing for trafficking in controlled substances (House, No. 5397).

By the same member, for the same committee, on Senate, No. 186 and House, Nos. 2625, 3334, 3513, 3873, 4230, 4232, 4417 and 4829, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning drug deaths, funds for drug education programs and penalties for trafficking in drugs (House, No. 5398).

By the same member, for the same committee, on Senate, No. 170 and House, Nos. 322, 510, 1076, 3341, 3511, 3517 and 3519, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning sentencing for trafficking in marijuana and other related matters (House, No. 5399).

By Mr. Herren of Fall River, for the committee on Energy, on House, Nos. 100, 106, 1288, 1477, 1478, 3532, 3541, 3546, 3548, 3570, 3718, 3885, 3886 and 5028, an Order relative to authorizing the committee on Energy to make an investigation and study of certain House documents concerning cogeneration and nuclear power facilities and other related matters (House, No. 5400).

By Mr. Rushing of Boston, for the committee on Local Affairs, on Senate, No. 872 and House, Nos. 600, 3614, 3615 and 4134, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain Senate and House documents concerning water protection districts, revolving funds for
the propagation, cultivation and protection of shellfish and other related matters (House, No. 5401).
Severally referred, under Joint Rule 29, to the committees on Rules on the two branches, acting concurrently.

By Mr. Roosevelt of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill establishing school based nutrition and childhood hunger relief programs (House, No. 4842) [Estimated Cost: $5,900,000.00]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a 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).

By Mr. Karol of Attleboro, for the committee on Transportation, on a petition, a Bill to provide assistance to those neighborhoods impacted by the Route 146 Massachusetts Turnpike interchange project (House, No. 2580).

By the same member, for the same committee, on a petition, a Bill to provide for revenue financed safety improvements at public airports (House, No. 4618).

By Mr. Cahir of Bourne, for the same committee, on a petition, a Bill relative to the transportation of people in Barnstable County (House, No. 3681).

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

Proposals for Legislative Amendments to the Constitution.

Mr. Rushing of Boston, for the committee on Local Affairs, on the petition (accompanied by proposal, House, No. 1532) of Christopher J. Hodgkins, Daniel J. Ranieri, Emile J. Goguen, Larry F. Giordano, Patrick F. Landers III and Athan Catjakis for a legislative amendment to the Constitution relating to certain home rule petitions approved by cities and towns, — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought to pass.

The same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 1363) of Arthur E. Chase, Matthew J. Amorello and Paul D. Harold for a legislative amendment to the Constitution to ban the imposition of unfunded state mandates on cities and towns unless enacted by a two-thirds vote, taken by yeas and nays, of each branch of the General Court, — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass.

The same member, for the same committee, on the petition (accompanied by proposal, House, No. 4133) of John F. Cox for
a legislative amendment to the Constitution relative to local mandates, — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass.

Severally read; and placed on file, in accordance with the requirements of said rule.

Orders of the Day.

The Senate Bill relative to the membership of the finance committee and the appointment of tree warden in the town of Easton (Senate, No. 1380), 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
Establishing three year terms of office for members of the board of public works for the town of Fairhaven (Senate, No. 887); Establishing the position of town administrator for the town of Nahant (Senate, No. 1425); and Establishing a landfill capping expense fund for the town of Dartmouth (Senate, No. 1427); and

House bills
Making a technical change regarding the Office of the Inspector General (House, No. 129); and Providing for inventory control of equipment purchased with public funds by private contractors (House, No. 1024); Severally were read a second time; and they were ordered to a third reading.

House reports
Of the committee on State Administration, ought NOT to pass, on so much of the recommendations of the Department of the State Auditor (House, No. 3) as relates to the Commonwealth's contract debarment process (accompanied by bill, House, No. 5);
Of the same committee, ought NOT to pass, on so much of the recommendations of the Department of Mental Retardation (House, No. 169) as relates to creating a trust for the benefit of persons with mental retardation in western Massachusetts (accompanied by bill, House, No. 170);
Of the same committee, ought NOT to pass, on so much of the recommendations of the Department of Public Works (House, No. 216) as relates to increasing the threshold requiring bids for public contracts and changes necessary to speed the purchasing of materials and repair of vehicle equipment (accompanied by bill, House, No. 218); and
Of the same committee, ought NOT to pass, on so much of the recommendations of the Department of Public Works (House, No. 216) as relates to authorizing the Commissioner of the Division of Capital Planning and Operations to transfer the care, custody and control of certain parcels of land in the city of Lowell from the
Department of Environmental Management to said department (accompanied by bill, House, No. 219);
Severally were accepted. Severally sent to the Senate for concurrence.

House reports
Of the committee on State Administration, ought NOT to pass, on the petition (accompanied by bill, House, No. 1230) of Kevin O'Sullivan and Arthur E. Chase for legislation to clarify the use of certain property under the control of the Department of Food and Agriculture;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1787) of Michael P. Walsh and Paul E. Caron relative to the leasing of excess land of the Public Access board in the town of Southwick; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3803) of Emanuel G. Serra for legislation to increase the threshold requiring bids for public contracts; and
Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2400) of David B. Cohen relative to expenses of the Massachusetts Bay Transportation Authority Advisory Board;
Of the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 4615) of John A. Businger for an investigation by a special commission (including members of the General Court) relative to the establishment and financing of a no-fare prepaid transit system; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4616) of John A. Businger for legislation to provide for commuter representation on the Board of Directors of the Massachusetts Bay Transportation Authority;
Severally were accepted.

Recess.

Reorganization Plan No. 1, — Executive Office for Administration and Finance.


The Reorganization Plan No. 1 of 1992 (submitted by His Excellency the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing certain offices and bureaus of the Executive Office for Administration and Finance (see House, No. 3486) was considered forthwith, under Joint Rule 23A, the question being: "Shall this reorganization plan be approved?"
Mrs. McKenna of Holden then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Serra of Boston), 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 125 members were recorded as being in attendance.

[See Yea and Nay No. 96 in Supplement.]

Therefore a quorum was present.

After debate on the question on approval of the reorganization plan, the sense of the House was taken by yeas and nays (as required under the provisions of Joint Rule 23A); and on the roll call 36 members voted in the affirmative and 107 in the negative.

[See Yea and Nay No. 97 in Supplement.]

Therefore the House refused to approve Reorganization Plan No. 1 of 1992. Mr. Cox of Lowell moved that this vote be reconsidered; and, there being no objection, the motion to reconsider was considered forthwith and it was negatived.

Orders of the Day.

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 further motion of the same member, until Wednesday next.

The House Bill providing for an early retirement incentive program for state employees (House, No. 5394) 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 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. Blanchette moved it be amended in section 2 by striking out, in lines 25 and 26, the words “May twenty-ninth” and inserting in place thereof the words “June thirtieth”. The amendment was adopted.

There being no objection, — Messrs. Miceli of Wilmington and Galvin of Canton moved that the bill be amended in section 1 by striking out, in lines 45, 46 and 47, the words “and clerks appointed by the governor with the advice and consent of the council, in the judiciary department”.

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. Miceli; and on the roll call 65 members voted in the affirmative and 82 in the negative.

[See Yea and Nay No. 98 in Supplement.]

[Mr. Tobin of Quincy answered "Present" in response to his name.]

Therefore the amendment was rejected. Mr. Miceli 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 the same member; and on the roll call 57 members voted in the affirmative and 92 in the negative.

[See Yea and Nay No. 99 in Supplement.]

[Mr. Tobin of Quincy answered "Present" in response to his name.]

Therefore the motion to reconsider was negatived. Mr. Travis of Rehoboth then moved that the bill be amended in section 6 by adding at the end thereof the following paragraph:

"Notwithstanding the provisions of this section, institutions of public higher education may fill faculty positions vacated as a result of this act provided the total annual cost of salaries and benefits for the replacements do not exceed seventy-five percent of the total annual cost of salaries and benefits for the employees retiring under the provisions of this act."

After debate on the question on adoption of the amendment (Mrs. Menard of Somerset being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Travis; and on the roll call 59 members voted in the affirmative and 89 in the negative.

[See Yea and Nay No. 100 in Supplement.]

Therefore the amendment was rejected. Mr. Blanchette of Lawrence then moved that the bill be amended in section 1 by striking out the paragraph contained in lines 45 to 48, inclusive, and inserting in place thereof the following paragraph:

"Elected officials, and clerks appointed by the governor with the advice and consent of the council, in the judiciary department shall not be allowed to participate in the retirement incentive program established by this section."

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. Blanchette; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 101 in Supplement.]

Therefore the bill was passed to be engrossed. The same member moved that this vote be reconsidered; and, there being no objection, the motion to reconsider was considered forthwith and it was negatived. The bill (House, No. 5394, amended) then was sent to the Senate for concurrence.
House bills
Relative to human service providers (House, No. 1025); and
Relative to the engrossing of reorganization plans submitted to
the General Court by the Governor (House, No. 5189);
Severally were read a second time; and they were ordered to a
third reading.

Recesses.

At twenty minutes before three o’clock P.M., on motion of
Mr. Blanchette of Lawrence (Mrs. Menard of Somerset being in the
Chair), the House recessed until half past three o’clock P.M.; and at
twenty-eight minutes before four o’clock the House was called to
order with Mr. Voke of Chelsea in the Chair.
The House thereupon, on motion of Mr. Hynes of Marshfield,
took a further recess until the hour of four o’clock P.M.; and at
eleven minutes after four o’clock the House was called to order with
Mr. Voke in the Chair.
Subsequently, on motion of Mr. Cox of Lowell, the House, at
sixteen minutes after four o’clock, took a further recess until half
past four o’clock P.M.; and at twenty-five minutes before five o’clock
the House was called to order with the Speaker in the Chair.

Order.

On motion of Mr. Ruane of Salem, —
Ordered, That when the House adjourns today, it adjourn to meet
tomorrow at one o’clock P.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. Nagle of Northampton then moved that as a mark of respect
to the memory of John J. O’Rourke, a member of the House from
Northampton from 1949 to 1956, inclusive, the House adjourn; and
the motion prevailed.
Accordingly, at twenty-one minutes before five o’clock P.M. (the
Speaker being in the Chair), the House adjourned, to meet tomorrow
at one o’clock P.M., in an Informal Session.
Met according to adjournment, at one o'clock P.M., in an Informal Session.

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

God, our Creator, the virtues and ideals which You have made known to us offer peace of mind and spirit to those who accept and believe them. We ask You to strengthen our efforts to respond to Your expectations and goals which You have set for us. By our commitment to sound political and religious principles and common sense, may we join with others in eradicating prejudice and discrimination in our institutions and in society.

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.

Resolutions.

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

Resolutions (filed by Mrs. Menard of Somerset) memorializing the President of the United States and the Secretary of Defense to reconsider proposed cuts in Massachusetts National Guard and Reserve positions; and

Resolutions (filed by Ms. Kerans of Danvers) congratulating Patrick Greehan 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. Kerans, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A report of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 556) of Robert A. Durand, Steven Angelo and David B. Cohen for legislation to allow parent choice in diaper use in day care centers and family day care homes, and recommending that the same be referred to the committee on Natural Resources and Agriculture, — accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.
Notice was received that the President of the Senate had appointed Senator Tisei of the Third Middlesex District to the special commission established (under the provisions of Section 269 of Chapter 138 of the Acts of 1992 and revived and continued by Section 7 of Chapter 3 of the Acts of 1992) for the purpose of making an investigation and study of the rental assistance programs being administered within the Commonwealth.

The membership of said commission on the part of the Senate is as follows: Senators Berry of the Second Essex District, Boverini of the First Essex District, and Tisei of the Third Middlesex District.

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 following petitions:

Petition (accompanied by bill) of Stephen M. Brewer relative to equal educational opportunity grants. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Albert Herren, Edward M. Lambert, Jr., and Robert Correia relative to signing of voters lists in elections. To the committee on Election Laws.

Petition (accompanied by bill) of Carmen D. Buell relative to the administration of the determination of need process by the Department of Public Health. To the committee on Health Care.

Petition (accompanied by bill) of Stephen M. Brewer and Robert D. Wetmore for legislation to authorize the Division of Capital Planning and Operations to acquire a certain parcel of land in the town of East Brookfield. To the committee on State Administration.

Under suspension of Rule 42, on motion of Mr. Brewer of Barre, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Rushing of Boston, for the committee on Local Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 956) of Peter Forman relative to lockup facilities in cities and towns; and

Of the petition (accompanied by bill, House, No. 3228) of Thomas G. Palumbo, James P. Jajuga and Larry F. Giordano for legislation to provide for reimbursement of legal expenses for certain cities and towns involved in the emergency planning zone of the Seabrook Nuclear Power Station;

By Mr. Ranieri of Bellingham, for the same committee, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 604) of Daniel J. Ranieri relative to the establishment of a manufactured and mobile home rent control and advisory board;

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 committee.

By Mr. Rushing of Boston, for the committee on Local Affairs, asking to be discharged from further consideration

Of the petition of Jeanne P. Grover relative to postponements of town meetings due to a declared state of emergency (House, No. 4724), — and recommending that the same be referred to the committee on Election Laws; and

Of the petition (accompanied by bill, House, No. 3061) of Joan M. Menard for legislation to require conservation commissions to publish certain notices in newspapers of local circulation, — and recommending that the same be referred to the committee on Natural Resources and Agriculture.

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

By Ms. Gardner of Holliston, for the committee on Education, Arts and Humanities, on a petition, a Bill providing certain towns shall be eligible for equal educational opportunity grants (House, No. 4641).

By Mr. Rushing of Boston, for the committee on Local Affairs, on Senate No. 896 and House, No. 4135, a Bill requiring that cities, towns and certain state agencies accepting the transfer of certain police officers to compensate the city or town from which the police officers have transferred (House, No. 4135).

By the same member, for the same committee, on a petition, a Bill relating to handicapped accessibility and the open meeting law (House, No. 4527).

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

Engrossed Bill.

The engrossed Bill relative to the membership of the finance committee and the appointment of tree warden in the town of Easton (see Senate, No. 1380) (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.

Orders of the Day.

The Senate Bill establishing the position of town administrator for the town of Nahant (Senate, No. 1425), 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

Increasing the amount of money that may be borrowed by the Thorndike Fire and Water District in the town of Palmer and to extend the time limit within which such loans shall be payable
(House, No. 1437) (its title having been changed by the committee on Bills in the Third Reading);

Designating a certain bridge in the city known as the town of Methuen as the Honorable Frank S. Giles Memorial Bridge (House, No. 4982, changed); and

Relative to high school graduation dates (House, No. 5150);

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.

Recess.

At six minutes after one o'clock P.M., on motion of Mr. Cox of Lowell, the House recessed until half past two o'clock P.M.; and at five minutes after three o'clock the House was called to order.

Engrossed Bill.

The engrossed Bill providing for a cost-of-living adjustment for state and municipal retirees (see House, No. 5260) (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 Speaker and sent to the Senate.

Emergency Measure.

The engrossed Bill further regulating home improvement contractors (see House, No. 5412), 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 (Mr. Walsh of Agawam being in the Chair), 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.

Order.

On motion of Mr. Flaherty of Cambridge,

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at half past 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 sixteen minutes after three o'clock P.M., on motion of Mr. Flaherty of Cambridge (Mr. Walsh of Agawam being in the Chair), the House adjourned, to meet tomorrow at half past eleven o'clock A.M., in an Informal Session.