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

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

Gracious God, we look to You for direction and guidance in resolving legislative and personal decisions. We ask You to enlighten our intellects so that we may see things as they really are and to strengthen our wills to make sound judgments. Bless our efforts as members of a pluralistic society with diverse goals and philosophies to plan and work together for a peaceful society. Open our minds to the changes which are taking place in the Nation and in the World and grant us the patience and courage to accept and to address them. Teach us to respect the dignity, and the human and civil rights 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.

Message from the Governor — Reorganization Plan Number 2 of 1992.

A message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan Number 2 of 1992, relative to reorganizing the Department of Public Utilities to include the functions of the Energy Facilities Siting Council (House, No. 5566) was filed in the office of the Clerk on Friday, May 1.

The message was read; and it was referred, under suspension of the first paragraph of Joint Rule 23A, on motion of Mr. Walsh of Agawam, with the accompanying draft of a bill, to the committee on Government Regulations. Sent to the Senate for concurrence.

Resignation of Representative Larry F. Giordano of Methuen.

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.

The Honorable CHARLES F. FLAHERTY  
Speaker of the House of Representatives  
Commonwealth of Massachusetts  
State House, Room 358  
Boston, MA 02133  

Dear Speaker Flaherty:

As you know I have accepted the position of Commissioner of Public Safety with the Weld administration. Thus, effective May 1st, 1992, I will resign my seat as State Representative from Methuen. I do this with mixed emotions: excitement about my new position, but sorrow at leaving behind one I have loved. My three terms as a member of the General Court have been an invaluable learning and growth experience. At the same time, thanks to the support of my colleagues in the legislature, my family, and the good people of Methuen — I have been able to make a positive difference in people’s lives. No combination is more rewarding. I look forward to continuing the friendships I have made here in the legislature, and to working with my former colleagues, and the administration, with renewed enthusiasm on behalf of Massachusetts citizens.

With the warmest regards, I am,

Truly yours,

LARRY F. GIORDANO,  
State Representative.

Resignation of Representative Larry F. Giordano of Methuen.

Resolutions.

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

Resolutions (filed by Ms. Bump of Braintree) on the occasion of Breast Cancer Awareness Day;
Resolutions (filed by Messrs. Mara of Brockton, Cruz of West Bridgewater and Kennedy of Brockton) congratulating Massasoit Community College on the occasion of its twenty-fifth anniversary;
Resolutions (filed by Mr. Miceli of Wilmington) congratulating Joseph M. Crotty on the occasion of his retirement from the Tewksbury school system; and
Resolutions (filed by Mr. Stoddart of Natick) on the observance of May thirteen to May twenty-three, nineteen hundred and ninety-two as Mary Ann Morse Nursing Home Week in the town of Natick;

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. Bump, 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:

Breast Cancer Day.
Massasoit Community College.
Joseph M. Crotty.
Morse Nursing Home Week.


Resignation of Representative Larry F. Giordano of Methuen.
Resolutions (filed by Ms. Kerans of Danvers) congratulating Bruce P. Eaton on receiving the Danvers Citizen of the Year Award; Resolutions (filed by Ms. Kerans of Danvers) congratulating Beth Klemm on receiving the Danvers Citizen of the Year Award; Resolutions (filed by Ms. Kerans of Danvers) congratulating Joseph Finocchiaro on receiving the Danvers Youth Volunteer Award; and Resolutions (filed by Ms. Kerans of Danvers) congratulating Mark Robertson on receiving the Danvers Youth Volunteer Award; and

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.

Resolutions (filed with the Clerk by Mr. DiMasi of Boston) congratulating Advanced Electronics, Inc., on becoming New England's largest electronics contract manufacturer, 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. DiMasi, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

The following communications were received from the Secretary of the Executive Office for Administration and Finance (under Section 4 of Chapter 6 of the Acts of 1991) as follows:

Relative to changes in the fee structure and the establishment of certain fees for the Department of Public Health;

Relative to changes in the fee structure and the establishment of certain fees for the Department of Police, the Registry of Motor Vehicles and the Merit Rating Board;

Relative to changes in the fee structure and the establishment of certain fees for the Division of Banks and the Appellate Tax Board; and

Relative to changes in the fee structure and the establishment of certain fees for the Board of Registration in Medicine and the Department of Education;

Severally placed on file.

Special Reports.

Reports

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of Southeastern Correctional Center located in the town of Bridgewater.
Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of Bristol County Jail and House of Correction located in the town of Dartmouth.

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of North Central Correctional Institution located in the city of Gardner.

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of Hampshire County Jail and House of Correction located in the city of Northampton.

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of Berkshire County Jail and House of Correction located in the city of Pittsfield.

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

Severally sent to the Senate for its information.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. DiMasi of Boston, petition (subject to Joint Rule 12) of the Citizens Coalition for Court Reform, Michael LoPresti, Jr., and Salvatore F. DiMasi for legislation to provide for the orderly unification of the Trial Court and improving the administration of justice in the Commonwealth.

By Mr. Forman of Plymouth, petition (subject to Joint Rule 12) of Peter Forman relative to certain sales tax exemptions of corporations, foundations, organizations or institutions.

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

Papers from the Senate.

A Bill validating certain actions taken at a special town meeting of the town of Salisbury (Senate, No. 1511) (reported on a message from His Excellency the Governor, printed in Senate, No. 1458), 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.

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

Petition (accompanied by bill, Senate, No. 1532) of Henri S. Rauschenbach, Eric Turkington and J. Sydney Conway for legislation to authorize the Department of Public Utilities to expedite the rate setting process for small utilities. To the committee on Government Regulations.
Petition (accompanied by bill, Senate, No. 1533) of Henri S. Rauschenbach and Eric Turkington for legislation to authorize the Oak Bluffs Water Department to supply water to the Martha’s Vineyard Airport. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, Senate, No. 1534) of Henri S. Rauschenbach, Thomas S. Cahir, Eric Turkington and John C. Klimm for legislation to extend the tax deduction for rent paid by resident military personnel stationed outside Massachusetts for residences located outside the state. To the committee on Taxation.

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 Thomas S. Cahir relative to arrests without warrants. To the committee on the Judiciary.

Petition (accompanied by bill) of W. Scott Lenhart and another relative to sureties for subdivision road completion; and

Petition (accompanied by bill) of W. Scott Lenhart and another relative to the expenditure of proceeds derived from the surety of subdivision roads;

Severally to the committee on Local Affairs.

Petition (accompanied by bill) of Shannon P. O’Brien and others relative to the indemnification of retired police officers and fire fighters; and

Petition (accompanied by bill) of Sally P. Kerans and others for legislation to change the age of eligibility for certain retirement benefits from fifty-five to sixty;

Severally to the committee on Public Service.

Petition (accompanied by bill) of Ronald L. C. Maribett relative to further regulating the conduct of certain state employees. To the committee on State Administration.

Petition (accompanied by bill) 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. To the committee on Taxation.

Under suspension of Rule 42, on motion of Mr. Cahir of Bourne, 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. 1448) of William R. Keating for legislation relative to transportation infrastructure improvements, — and recommending that the same be referred to the Senate committee on Ways and Means. Under Rule 42, the report was
considered forthwith; and it was accepted, insomuch as relates to
the discharge of the committee. Sent to the Senate for concurrence.

By Ms. Gardner of Holliston, for the committee on Education,
Arts and Humanities, on a petition, a Resolve providing for an
investigation and study by a special commission relative to the
implementation and improvement of the transitional bilingual
education law (House, No. 4240).

By Mr. Lambert of Fall River, for the same committee, on House,
Nos. 81, 83, 4069 and 5171, a Bill to strengthen workforce literacy
(House, No. 83).

By Mrs. Harkins of Needham, for the same committee, on a
petition, a Resolve providing for an investigation and study by a
special commission relative to the incidence of child suicide (House,
No. 901).

By Mrs. Cleven of Chelmsford, for the same committee, on House,
Nos. 2426, 2642 and 4070, a Bill providing for a uniform public
school entrance date (House, No. 2426).

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

By Ms. Tracy of Boston, for the committee on Commerce and
Labor, on House, No. 2620, a Bill relative to sexual harassment
education and training in the workplace (House, No. 5559).

By Ms. Gardner of Holliston, for the committee on Education,
Arts and Humanities, on House, Nos. 2795, 3703 and 4425, a Bill
providing for school-based community service opportunities
(House, No. 2795).

By the same member, for the same committee, on House,
No. 2792, a Bill relative to special education (House, No. 5554)
[Estimated Cost: $5,369,392.00].

By Mrs. Owens-Hicks of Boston, for the same committee, on
Senate, No. 246 and House, Nos. 1271 and 1277, a Bill to provide
comprehensive training to teachers in computer based technologies
(House, No. 1271) [Estimated Cost: $3,300,000.00].

By the same member, for the same committee, on House,
Nos. 1860 and 4423, a Bill to establish a special study commission
to develop methods to reduce the school dropout rate in urban areas
(House, No. 1860).

By the same member, for the same committee, on House,
Nos. 1861 and 2794, a Bill to better prepare low-income students
for college boards (House, No. 1861).

By the same member, for the same committee, on a petition, a
Bill providing funds for certain drug educational programs (House,
No. 2636).

By Mr. Lambert of Fall River, for the same committee, on a
petition, a Bill relative to a community scholarship foundation
demonstration project (House, No. 4836) [Estimated
Cost: $100,000.00].
By the same member, for the same committee, on a petition, a Bill relative to the Christian A. Herter Memorial Scholarship Program (House, No. 4837).

By Mrs. Cleven of Chelmsford, for the same committee, on a petition, a Bill relative to the reimbursement of state wards (House, No. 900).

By Mr. Knapik of Westfield, for the same committee, on Senate, No. 199 and House, No. 1857, a Bill to repeal the “school choice” law (House, No. 1857) [Senator Birmingham dissenting].

By Mr. Herren of Fall River, for the committee on Energy, on House, No. 3555, a Bill to improve licensed nuclear power plants (House, No. 5555).

By the same member, for the same committee, on House, No. 3565, a Bill relative to nuclear power plant emergency planning (House, No. 5556).

By Mr. Moore of Uxbridge, for the committee on Election Laws, on a petition, a Bill providing for an assistant registrar of voters at colleges and universities (House, No. 1662).

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on House, No. 2312, a Bill relative to supporting people with disabilities and their families (House, No. 5557).

By the same member, for the same committee, on House, No. 5266, a Bill to prevent institutionalization (House, No. 5558).

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

By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, on a petition, a Bill to permit the analysis of substances by the Postal Inspection Service of the United States Postal Service in drug cases (House, No. 2958).

By the same member, for the same committee, on a petition, a Bill relative to the defacement of property (House, No. 3697).

By the same member, for the same committee, on House, No. 1649, a Bill relative to firearms (House, No. 5560).

By Mr. Roosevelt of Boston, for the committee on Education, Arts and Humanities, on Senate, No. 225 and House, No. 2800, a Bill to include AIDS HIV prevention education in the health education curriculum of the public schools (House, No. 2800).

By Ms. Gardner of Holliston, for the same committee, on a petition, a Bill to prohibit discrimination against students in public schools on the basis of sexual orientation (House, No. 2644).

By Ms. Donovan of Woburn, for the same committee, on a petition, a Bill relating to leaves of absence for teachers (House, No. 5169).

By Mrs. Cleven of Chelmsford, for the same committee, on a petition, a Bill relative to student admissions based on collective bargaining agreements (House, No. 1655).

By the same member, for the same committee, on a petition, a Bill relative to curriculum requirements (House, No. 3700).
By the same member, for the same committee, on a petition, a
Bill to improve student-teacher communication by providing that
certain information between students and school personnel be
confidential (House, No. 3701).

By the same member, for the same committee, on a petition, a
Bill relative to developing a local plan to identify the day care needs
of student parents (House, No. 4071).

By the same member, for the same committee, on a petition, a
Bill to provide medical coverage of secondary school athletics
(House, No. 4424).

By Mr. Moore of Uxbridge, for the committee on Election Laws,
on House, Nos. 2432 and 4079, a Bill relative to election officers
(House, No. 4079).

By the same member, for the same committee, on a petition, a
Bill relative to the registration of voters (House, No. 4080).

By the same member, for the same committee, on a petition, a
Bill relative to the filling of vacancies in the offices of city council
and the school committee in the city of Springfield (House,
No. 5319) [Local Approval Received].

By Mrs. Parente of Milford, for the committee on Human Services
and Elderly Affairs, on a petition, a Bill relative to criminal offender
record information in foster care placements (House, No. 4684,
changed by striking out, in line 4 and also in line 8, the word
“unrestricted” and inserting in place thereof, in each instance, the
word “restricted”).

By Mr. Rushing of Boston, for the committee on Local Affairs,
on a petition, a Bill relative to the board of public works in the town of
Wakefield (House, No. 5405) [Local Approval Received].

By Mr. Blanchette of Lawrence, for the committee on Public
Service, on a petition, a Bill providing civil service status for certain
employees of the Taunton municipal lighting plant (House,
No. 5440) [Local Approval Received].

By the same member, for the same committee, on House,
No. 5485, a Bill to establish a funding schedule for the city of
Waltham retirement system (House, No. 5561) [Local Approval
Received].

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 the petition (accompanied by bill, House,
No. 352) of Brian S. Dempsey for legislation to require all
wastewater personnel to take annual medical physicals.

By the same member, for the same committee, ought NOT to pass,
on the petition (accompanied by bill, House, No. 356) of Mary
Jeanette Murray that providers of health care services be prohibited
from hiring or contracting for legislative agents.

By the same member, for the same committee, ought NOT to pass,
on the petition (accompanied by bill, House, No. 1117) of Kevin W.
Fitzgerald that the Department of Public Health be required to
establish priority plans for certain vaccines.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1883) of Robert L. Howarth relative to the fluoridation of water supplies.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2821) of Walter A. DeFilippi and other members of the House that providers of health care services be prohibited from hiring or contracting for legislative agents.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5039) of William Constantino, Jr., for legislation to prohibit experimentation upon human fetuses.

By Mr. DiMasi of Boston, for the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 3056) of Stephen J. Karol, Joan M. Menard, Robert A. Antonioni and another for legislation to regulate the awarding of fees and other expenses relative to small businesses in judicial proceedings.

By Mr. Rushing of Boston, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 1350) of the Mass. Federation of Teachers and Michael W. Morrissey for legislation to regulate the expenditure of reimbursements received by cities and towns from the Commonwealth.

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

**Proposals for Legislative Amendments to the Constitution.**

Mr. DiMasi of Boston, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 1079) of Lois G. Pines, Douglas W. Petersen, Patricia D. Jehlen, Carol C. Cleven and Louis L. Kafka for a legislative amendment to the Constitution to protect the right to choose, — 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. 1267) of W. Paul White for a legislative amendment to the Constitution to protect the rights of parents and their unborn children, — 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. 388) of Marie J. Parente, Gloria L. Fox, Stanley C. Rosenberg and Larry F. Giordano for
a legislative amendment to the Constitution relative to the rights of defendants in certain cases involving children, — 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. 1720) of Albert L. O'Neil and Angelo M. Scaccia for a legislative amendment to the Constitution for the election of justices, — 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. 2508) of Paul Kollios for a legislative amendment to the Constitution providing for the abolition of the Council and the appointment of certain officers by the Governor with the consent of the Senate, — 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. 2510) of Michael Couture for a legislative amendment to the Constitution to require the election of all judges within the Commonwealth, — 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. 2685) of Walter A. DeFilippi and other members of the House for a legislative amendment to the Constitution relative to search and seizure, — 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. 3178) of Salvatore F. DiMasi for a legislative amendment to the Constitution relative to the retention of justices of the Superior Court, Appellate Court and the District Court Department, — 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. 4276) of Frank M. Hynes for a legislative amendment to the Constitution to provide for the abolition of the Governor's Council and the appointment of certain officers by the Governor with the consent of the Senate, — 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. 4515) of John A. Businger for a legislative amendment to the Constitution to provide for increasing the number of members of the Senate, — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition (see House, No. 4515), ought NOT to pass.
Mr. Manning of Milton, for the same committee, on the petition (accompanied by proposal, House, No. 1337) of Susan D. Schur and other members of the General Court for a legislative amendment to the Constitution relative to the recognition of certain fundamental rights, — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass.

Mr. Blanchette of Lawrence, for the committee on Public Service, on the petition (accompanied by proposal, House, No. 4164) of Kevin P. Blanchette, Daniel E. Bosley, Alvin E. Thompson, Brian S. Dempsey, Pamela P. Resor and Douglas W. Petersen for a legislative amendment to the Constitution relative to the retirement of judges, — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought to pass.

Mr. Scaccia of Boston, for the committee on Taxation, on the petition (accompanied by proposal, House, No. 666) of Robert C. Lawless for a legislative amendment to the Constitution granting to the General Court the power and authority to impose and levy a graduated tax, — 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, House, No. 2019) of J. James Marzilli, Jr., and other members of the General Court for a legislative amendment to the Constitution requiring the General Court to impose and levy a graduated income tax, — 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, House, No. 2911) of Daniel E. Bosley for a legislative amendment to the Constitution to grant the General Court the power and authority to impose and levy a graduated tax, — 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. 1390) of Edward P. Kirby for a legislative amendment to the Constitution to limit the property tax for persons over the age of sixty-five, — 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. 1038) of Peter Forman for a legislative amendment to the Constitution establishing a class of real property for taxation purposes for persons over the age of sixty-five years, — 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. 1039) of Peter Forman for a legislative amendment to the Constitution relative to limiting the increase of property taxes for persons over sixty-five years of age, — 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. 4027) of Walter J. Ziobro, Jr., for a legislative amendment to the Constitution requiring that all tax increases be submitted to the voters, — 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. 5416) of David H. Locke and Peter Forman for a legislative amendment to the Constitution relative to restricting the increase in taxes, — 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.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on Education, Arts and Humanities, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 1082) of the State Student Association of Massachusetts and Daniel E. Bosley for a legislative amendment to the Constitution to provide a right to quality affordable public education from primary to public higher education;

Of the committee on Election Laws, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, House, No. 4474) of John A. Businger for a legislative amendment to the Constitution to provide for the process of recall of certain elective persons;

On the petition (accompanied by proposal, House, No. 4475) of John A. Businger for a legislative amendment to the Constitution relative to reducing the residency requirement for a candidate for Governor; and

On the petition (accompanied by proposal, House, No. 4476) of John A. Businger for a legislative amendment to the Constitution relative to repealing the limitation on the number of signatures of voters of any one county on referendum petitions;

Of the committee on Public Service, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 3984) of Walter J. Ziobro, Jr., for a legislative amendment to the Constitution requiring voter approval of certain pay raises; and

Of the committee on State Administration, ought NOT to pass (under Joint Rule 23):
Constitution, — fee increase approval.

Constitution, — bonded indebtedness approval.

Constitution, — limit General Court sessions.

Id.

Id.

Id.

Constitution, — Dukes, Nantucket House districts.

Constitution, — limit General Court sessions.

Constitution, — regulate budget.

Id.

Constitution, — biennial state budget.

On the petition (accompanied by proposal, House, No. 3992) of Walter J. Ziobro, Jr., for a legislative amendment to the Constitution requiring that all fee increases be submitted to the voters; and

On the petition (accompanied by proposal, House, No. 3993) of Walter J. Ziobro, Jr., for a legislative amendment to the Constitution requiring that increases in bonded indebtedness be submitted to the voters;

Of the committees on Rules of the two branches, acting concurrently, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, House, No. 643) of Michael R. Knapik for a legislative amendment to the Constitution limiting the annual session of the General Court to a period of six months;

On the petition (accompanied by proposal, House, No. 813) of Kevin O'Sullivan and Warren E. Tolman for a legislative amendment to the Constitution to limit annual sessions of the General Court to a period not exceeding six months;

On the petition (accompanied by proposal, House, No. 2550) of Bruce E. Tarr, Nancy H. Evans and Marianne Brenton for a legislative amendment to the Constitution limiting the annual session of the General Court to a period of six months;

On the petition (accompanied by proposal, House, No. 3650) of John C. Bradford, other members of the House and another for a legislative amendment to the Constitution limiting sessions of the General Court to six months;

On the petition (accompanied by proposal, House, No. 4181) of Eric Turkington and another for a legislative amendment to the Constitution providing for two hundred and two Representative districts, two of which shall consist of the counties of Dukes and Nantucket; and

On the petition (accompanied by proposal, House, No. 4357) of Robert H. Marsh for a legislative amendment to the Constitution relative to limiting the annual sessions of the General Court to six months; and

Of the joint committee on Ways and Means, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, House, No. 2584) of Bruce E. Tarr and Marianne Brenton for a legislative amendment to the Constitution further regulating the budget of the Commonwealth;

On the petition (accompanied by proposal, House, No. 2928) of the Massachusetts Taxpayers Foundation, Inc., and Daniel E. Bosley for a legislative amendment to the Constitution to clarify certain provisions relative to the budget and the general appropriation bill;

On the petition (accompanied by proposal, House, No. 2930) of Barbara Gardner, Pamela P. Resor and Lida E. Harkins for a legislative amendment to the Constitution relative to a biennial state budget;
On the petition (accompanied by proposal, House, No. 4040) of Walter J. Ziobro, Jr., for a legislative amendment to the Constitution relative to the submission and adoption of a balanced budget; and

On the petition (accompanied by proposal, House, No. 4989) of David J. Lionetti for a legislative amendment to the Constitution further regulating the budget of the Commonwealth.

Orders of the Day.

House bills
Further regulating the cancellation of group contracts (House, No. 942) (its title having been changed by the committee on Bills in the Third Reading);
Relative to notification of an insolvent insurer (House, No. 1158);
Further regulating the Westover Metropolitan Development Corporation (House, No. 2782);
Relative to county agricultural schools (House, No. 2952);
Relative to persons involved in equine activities (House, No. 3767);
Authorizing the city of Boston to sell and convey a certain parcel of park land in the city of Boston (House, No. 5406) (its title having been changed by the committee on Bills in the Third Reading);
Establishing a sick leave bank for a certain probation officer of the Trial Court (House, No. 5469); and
Establishing a funding schedule for the town of Winchester retirement system (House, No. 5510) (its title having been changed by the committee on Bills in the Third Reading);

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

The House Bill relative to recreation and park self-supporting service revolving funds (House, No. 5539) was read a second time; and it was ordered to a third reading.

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

House bills
Creating a penalty for failure to pay the State Lottery (House, No. 155);
Relative to the liability of rowing associations (House, No. 765);
Further regulating agreements for the purchase and sale of real estate (House, No. 1676);
Relative to the operation of farm equipment on public ways (House, No. 2870);
To provide local officials with cable operator revenue information (House, No. 2993);
Making a corrective change in notice requirements relative to mortgage foreclosures (House, No. 3319);
Relative to licensing of cable television installers (House, No. 3578);
Authorizing cities and towns to establish a municipal cable television department (House, No. 3899);
Relative to the separation of prisoners (House, No. 3915);
Relative to the storage or sale of liquid propane gas (House, No. 4153);
Relative to providing certain criminal record information to the Department of Public Welfare (House, No. 4880);
Relative to the reporting of hate crimes (House, No. 5220);
Amending the law relative to boxing in the Commonwealth (House, No. 5345);
Establishing a sick leave bank for an employee of the Trial Court of the Commonwealth (House, No. 5484);
Designating a certain bridge in the city of Attleboro as the Firefighter Richard A. Simkins Memorial Bridge (House, No. 5504);
Relative to investigations of certain cases of child abuse in the offices of the district attorneys (House, No. 5535);
Relative to the rights of extended family members in care and protection proceedings (House, No. 5536);
Relative to the reporting of child abuse and neglect (House, No. 5537);
Relative to debt issued by cities and towns for the payment of the appraisal services (House, No. 5540); and
Relative to a consolidated municipal finance department (House No. 5542);
Severally were read a second time; and they were ordered to a third reading.

House reports
Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1010) of Stephen M. Brewer and another relative to inspections of electrical wiring;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2090) of Alvin E. Thompson, Shirley Owens-Hicks, Nelson Merced, Gloria L. Fox, Bill Owens and Raymond A. Jordan, Jr., for legislation to establish a HIV testing procedure in correctional institutions in the Commonwealth;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2357) of J. Michael Ruane for legislation to require persons jogging on public ways after dusk to wear reflectors or reflective material on their outside clothing;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2866) of Barbara Gardner and other members of the General Court relative to regulating the opening of motor vehicle doors to load or unload passengers;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3072) of James T. Brett for
legislation to impose a fee on pilots to compensate victims of accidents caused by aircraft;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3077) of Robert H. Marsh and another for legislation to regulate the operation of steam boilers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4154) of William Anderson for legislation to prohibit local building inspectors from issuing certificates of occupancy until applicants produce proof of payment to all subcontractors;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4580) of Richard T. Moore that passengers under the age of nineteen be prohibited in the back of pick-up trucks, so-called;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4926) of Ed Steinberg for legislation to further regulate the parking of motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5103) of Eliot Taylor for legislation to further regulate the testing of audible motor vehicle alarms;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5104) of Alvin E. Thompson and another for legislation to reduce the speed limit for motor vehicles in school zones;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5199) of James T. Brett and others for legislation to establish uniform educational guidelines for correctional facilities;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5219) of Barbara Hildt and other members of the General Court relative to providing uniform educational programs for adult offenders; and

Of the same committee, ought NOT to pass, on the 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;

Severally were accepted.

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

The motion of Mr. Businger of Brookline, that the committee on Ways and Means be discharged from further consideration of the House Bill conforming the General Laws to the Constitutional Recess. State abolishment.
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 Wednesday, May 13.

House bills

Relative to the prevention of pollution from illegal connections to storm drains and sewers (House, No. 2701); and

Further protecting and enhancing the wetlands of the Commonwealth (House, No. 4551);

Severally were ordered to a third reading.

The House report of the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 5468) of William Constantino, Jr., relative to tort liability of parents maintaining residential property free of lead contamination, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mr. Constantino of Clinton, 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 report was considered further, pending which, further consideration thereof was again postponed, on motion of Mr. DeFilippi of West Springfield, until the next sitting.

The House Bill relative to motor vehicles and aircraft (House, No. 43) was read a second time; and it was ordered to a third reading.

The House Bill relative to certain abandoned property (House, No. 279, changed) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DiMasi of Boston, 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 bill was considered further, pending which, further consideration thereof was again postponed, on motion of Mr. DeFilippi of West Springfield, until the next sitting.

House bills

To improve the quality of preliminary plans of subdivisions (House, No. 2693);

Further regulating the sale and resale of tickets to theatrical exhibitions and public amusements (House, No. 2995);

Further regulating the granting of special licenses for the sale of alcoholic beverages (House, No. 3900);

To reduce prison overcrowding (House, No. 5218);
Providing an automatic exemption from levy of execution in a personal residence (House, No. 5538); and
To allow cities/towns to permit cluster developments & planned unit developments by right with site plan review and approval (House, No. 5541);
Severally were read a second time; and they were ordered to a third reading.

The House report of the committee on Public Safety, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 183) as relates to admission procedure at Bridgewater State Hospital (accompanied by bill, House, No. 202) was accepted. Sent to the Senate for concurrence.

House reports
Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1505) of William Constantino, Jr., Robert A. Antonioni, Patricia A. Walrath, Jacqueline Lewis and Robert D. Hawke for legislation to provide for the payment of compensation to municipalities where prison facilities are located;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4573) of Carl F. Tripp and Robert H. Marsh relative to automatic garage door openers;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House No. 5225) of Jacqueline Lewis and other members of the House for legislation to require certain prison inmates to pursue educational opportunities prior to parole;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House No. 5234) of Kevin Poirier relative to the financing, operation and maintenance of a state correctional facility by private entities; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5235) of Douglas W. Stoddart and another relative to religious services for inmates at correctional facilities;
Severally were accepted.

Recess.

Mrs. Menard of Somerset being in the Chair, — at twenty-eight minutes before two o’clock P.M., the Chair declared a recess subject to the call of the Chair, there being no objection; and at twenty-six minutes before three o’clock the House was called to order with Mrs. Menard in the Chair.

Petition.

Mr. Rushing of Boston presented a petition (accompanied by bill, House, No. 5567) of Byron Rushing (with the approval of the mayor and city council) for legislation to remove prohibitions relative to transactions between the city of Boston and Namibia; and the same
was referred to the committee on Local Affairs. 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 on Wednesday next at eleven o'clock A.M.

Mr. Tarr of Gloucester then moved that as a mark of respect to the memory of George L. Allen, a member of the House from Manchester in 1961 and 1962, the House adjourn; and the motion prevailed.

Accordingly, at twenty-five minutes before three o'clock P.M., on motion of Mr. Galvin of Canton (Mrs. Menard of Somerset being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.
Wednesday, May 6, 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:

God, Our Creator, we pray for Your gift of wisdom which will fill our hearts and minds with peace and the courage to make reasonable decisions. Teach us to be aware of the purpose for which You made us and to set goals for ourselves which enrich us intellectually, spiritually and politically. Help us to accept the cultural and social challenges of the times with enthusiasm and with confidence in the future of society. May we continue to be thoughtful and experienced leaders who are open to learn from past successful and unsuccessful programs, trends and ideologies, and to propose programs for this era.

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

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

Statement Concerning Representative Cangiamila of Billerica.

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 Cangiamila of Billerica, is unable to be present in the House Chamber due to surgery at the Lahey Clinic in Burlington. He expects to be hospitalized for approximately ten days. Any roll calls that he may miss during this period 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 Concerning Representative Hodgkins of Lee.

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 Hodgkins of Lee, will not be present in the House Chamber for today's sitting due to a personal family commitment. Any roll calls that he may miss today or for the next few days 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.
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 Mr. and Mrs. Roy Stewart on the occasion of their fortieth wedding anniversary;

Resolutions (filed by Mr. Blanchette of Lawrence) congratulating Mr. and Mrs. J. Kenneth Taylor on the occasion of their twenty-fifth wedding anniversary;

Resolutions (filed by Mr. Kafka of Sharon) on the occasion of the Sharon Rotary Club's fiftieth anniversary;

Resolutions (filed by Mr. Landers of Palmer) honoring the late Fire Fighter Robert J. Beauregard of the Ware Fire Department;

Resolutions (filed by Mrs. McKenna of Holden) honoring Nicholas R. Sabatello, outgoing District Governor for District 33-A of the Massachusetts Lions Clubs; and

Resolutions (filed by Mrs. Parente of Milford) in remembrance of the late honorary Turkish Consul General of Boston, Orhan R. Gunduz;

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. Dempsey of Haverhill) congratulating Francis J. Bevilacqua on receiving the fourth annual Northern Essex Community College Leadership Award;

Resolutions (filed by Mr. Dempsey of Haverhill) congratulating the late James P. Rurak on receiving the fourth annual Northern Essex Community College Leadership Award; and

Resolutions (filed by Messrs. Hynes of Marshfield, McIntyre of New Bedford, Cabral of New Bedford, Gonsalves of Dartmouth and Koczera of New Bedford) memorializing the National Marine Fisheries Service and the Secretary of Commerce to rescind the rule making which would arbitrarily reallocate over three hundred and fifty tons of Atlantic bluefin tuna;

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

Orders.

An Order (filed this day by Speaker Flaherty of Cambridge) relative to requesting opinions of the Honorable the Justices of the Supreme Judicial Court on certain questions of law concerning cost
items for collective bargaining agreements between unions representing employees and the Commonwealth (House, No. 5583) was referred, under Rule 85, to the committee on Rules.

Mr. Voke of Chelsea, for the committee on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mr. Serra of Boston, the order was considered forthwith; and it was adopted.

The following order (filed this day by Speaker Flaherty of Cambridge) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

Ordered, That notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Wednesday, May 20, within which to make reports on all matters referred to them.

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

The following order (filed this day by Mr. Forman of Plymouth) was adopted, as follows:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering the following proposal for a legislative amendment to the Constitution:

Proposal for a legislative amendment to the Constitution restricting the increase in taxes (see House, No. 5416), — with reference to which the committee on Taxation has reported recommending that the amendment ought NOT to pass.

Petitions.

Mr. Clancy of Lynn presented a petition (accompanied by bill, House, No. 5585) of Edward J. Clancy, Jr., Jeffery J. Hayward, Douglas W. Petersen, Steven Angelo and Walter J. Boverini (with the approval of the mayor and city council) relative to reduction in rank of certain employees of the fire department of the city of Lynn; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Gonsalves of Dartmouth presented a petition (subject to Joint Rule 12) of Leonard Gonsalves relative to economic growth in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

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

Papers from the Senate.

Reports
Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration
Of the petition (accompanied by bill, Senate, No. 919) of Robert A. Havern, Jane M. Swift, and the Associated Industries of Massachusetts, by Richard E. Mastrangelo, senior vice president and general counsel, for legislation to require the Department of Environmental Management to aid small businesses affected by environmental laws;
Of the petition (accompanied by bill, Senate, No. 950) of Jane M. Swift, Christopher J. Hodgkins and Michael P. Walsh for legislation to provide relief to the towns of Washington, Lenox and Tolland for damages from certain storms;
Of the petition (accompanied by bill, Senate, No. 952) of Jane M. Swift for legislation to require the Executive Office of Economic Affairs to aid small businesses affected by environmental laws;
Of the petition (accompanied by bill, Senate, No. 973) of Robert D. Wetmore for legislation to establish a Massachusetts phosphorous reduction fund; and
Of the petition (accompanied by bill, Senate, No. 976) of Robert D. Wetmore and Stephen M. Brewer for legislation to direct the Division of Water Resources to pay for certain dam repairs;
And recommending that the same severally be referred to the Senate committee on Ways and Means.
Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

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

Telemarketing.
Petition (accompanied by bill, Senate, No. 1541) of Robert D. Wetmore for legislation relative to telemarketing. To the committee on Commerce and Labor.

Monson, — ambulance transfer.
Petition (accompanied by bill, Senate, No. 1542) of Robert D. Wetmore, Robert L. Howarth and Patrick F. Landers III (by vote of the town) for legislation relative to the transfer of a certain ambulance from the Commonwealth to the town of Monson. To the committee on Local Affairs.

Templeton, — funeral expenses.
Petition (accompanied by bill, Senate, No. 1543) of Robert D. Wetmore (by vote of the town) for legislation to provide funeral and burial expenses for certain employees of the town of Templeton killed in the performance of duty. To the committee on Public Service.

Cities and towns, —
Petition (accompanied by bill, Senate, No. 1544) of Robert D. Wetmore for legislation to require notification of cities and towns
of certain regulations to be filed with the Secretary of State. To the committee on State Administration.

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 Sally P. Kerans for legislation to repeal the crime of blasphemy. Under suspension of Rule 42, on motion of Ms. Kerans of Danvers, 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. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill removing prohibitions regarding transactions between the city of Boston and Namibia (House, No. 5667) [Local Approval Received], which was read.

Under suspension of the rules, on motion of Mr. Rushing of Boston, the bill was read a second and a third time forthwith.

The committee on Bills in the Third Reading then reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5586), which was read.

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

By Mr. Karol of Attleboro, for the committee on Transportation, on Senate, Nos. 1348 and 1353 and House, Nos. 3480, 3682, 4214 and 4215, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain Senate and House documents concerning the Lawrence G. Hanscom Field, private landing areas, the siting of a second major airport and the registration of aircraft (House, No. 5575).

By the same member, for the same committee, on Senate, No. 1365 and House, No. 483, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain Senate and House documents concerning the installation of traffic control signals in the town of Milton by the Metropolitan District Commission (House, No. 5576).

By the same member, for the same committee, on House, Nos. 1430, 1434, 1618, 2218, 3482, 4037 and 4039, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning the administration and operation of the Massachusetts Turnpike Authority (House, No. 5577).

By the same member, for the same committee, on House, Nos. 2756, 2757, 2758 and 2759, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning the reduction of air and
noise pollution and the establishment of a curfew for operations at Logan Airport (House, No. 5578).

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

By Ms. Gardner of Holliston, for the committee on Education, Arts and Humanities, on House, Nos. 2645, 3702 and 3711, a Bill to prevent abuse and strengthen the family through comprehensive health education and human services in public schools (House, No. 3702, changed in section 2 by inserting after the word “suicide,” in line 14, the words “violence prevention”; and by inserting after the word “clinics”, in line 77, the words “; and provided further, in all public elementary and high schools, it shall be required that students participate in violence prevention programs to inform students of the harmful effects of teenage violence, guns, and illegal drug use and of promoting community and social responsibility”).

By Mr. Lambert of Fall River, for the same committee, on so much of the message from His Excellency the Governor (House, No. 1999) (as relates to section 11), a Bill relative to certain regulatory changes (House, No. 5579).

By Ms. Buell of Greenfield, for the committee on Health Care, on a petition, a Bill expanding the advisory council on radiation protection (House, No. 1491).

By the same member, for the same committee, on a petition, a Bill regulating benefits of medical care under Title XIX (House, No. 1882).

By the same member, for the same committee, on Senate, No. 443 and House, No. 2072, a Bill concerning aftercare for elderly persons receiving short term hospital care (House, No. 2072).

By the same member, for the same committee, on House, Nos. 730, 3723 and 3726, a Bill relative to chronic disease and rehabilitation hospitals (House, No. 3723).

By the same member, for the same committee, on a petition, a Bill relative to emergency medical services (House, No. 3901, changed in section 1 by striking out, in line 4, the word “include” and inserting in place thereof the word “add”).

By the same member, for the same committee, on a petition, a Bill relative to diagnostic procedures (House, No. 4102).

By the same member, for the same committee, on a petition, a Bill relative to home care managed care (House, No. 4104).

By the same member, for the same committee, on a petition, a Bill providing counseling services for certain pregnant teenagers by the Department of Public Health (House, No. 4105).

By the same member, for the same committee, on a petition, a Bill relative to the quality of care in nursing homes (House, No. 5045).

By the same member, for the same committee, on House, No. 1881, a Bill relative to home care services (House, No. 5580).

By Mr. DiMasi of Boston, for the committee on the Judiciary, on a petition, a Bill providing for a President John F. Kennedy legal holiday (House, No. 5490).
By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on a petition, a Bill authorizing the Department of Environmental Protection to undertake a study relative to the recycling of soil contaminated by petroleum (House, No. 1182).

By the same member, for the same committee, on a petition, a Bill amending the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (House, No. 3068).

By the same member, for the same committee, on a petition, a Bill further clarifying liability for the improper handling or disposal of hazardous material (House, No. 3626).

By the same member, for the same committee, on a petition, a Bill creating the clean water fund to further protect the natural resources of the Commonwealth (House, No. 4537, changed in section 8 by striking out, in line 51, the word "ninety-two" and inserting in place thereof the word "ninety-three").

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

Proposals for Initiative Amendments to the Constitution.

Mr. Moore of Uxbridge, for the committee on Election Laws, on the initiative petition of Jon Bryan and others for an Initiative Amendment to the Constitution limiting the terms of office of Governor, Lieutenant Governor, Secretary, Treasurer, Attorney General, Auditor, Councillor, State Senator, State Representative, United States Senator and Representative in Congress (House, No. 4000), — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said initiative petition, ought NOT to pass [For majority and minority reports see Senate document numbered 1536].

Mr. Scaccia of Boston, for the committee on Taxation, on the initiative petition of Joseph P. Kennedy II and others for an untitled Initiative Amendment to the Constitution relative to a graduated income tax (House, No. 4001), — reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said initiative petition, ought to pass [For majority and minority reports see Senate document numbered 1537].

Severally read; and placed on file, in accordance with the requirements of said rule.

Reconsideration.

During consideration of the Orders of the Day, Mr. Caron of Springfield asked unanimous consent to move reconsideration of the vote by which the House, on Monday, May 4, accepted the House report of the committee on Public Safety, ought not to pass, on the petition (accompanied by bill, House, No. 5219) of Barbara Hildt and other members of the General Court relative to providing uniform educational programs for adult offenders; and, there being
no objection, the motion to reconsider was entertained and it prevailed.

Pending the recurring question on acceptance of the report, the petition was referred to the committee on Ways and Means, on further motion of Mr. Caron.

**Engrossed Bills.**

- **Engrossed bills**
  - Designating a certain bridge in the city known as the town of Methuen as the Honorable Frank S. Giles Memorial Bridge (see House, No. 4982, changed); and
  - Relative to the salaries of election commissioners in the city of Lowell (see House, No. 5335);
  - (Which severally originated in the House);
  - Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

**Engrossed Bill — State Loan.**

The engrossed Bill relative to the protection of the metropolitan water supply (see House, No. 397, changed and amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mrs. McKenna of Holden 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 (Mr. Voke of Chelsea being in the Chair) 121 members were recorded as being in attendance.

*See Yea and Nay No. 118 in Supplement.*

Therefore a quorum was present.

After debate on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 125 members voted in the affirmative and 19 in the negative.

*See Yea and Nay No. 119 in Supplement.*

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

**Orders of the Day.**

Mr. Serra of Boston being in the Chair, — the Senate Bill establishing the crime of stalking (Senate, No. 1493) (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, in concurrence.
House bills
Relative to licensing of cable television installers (House, No. 3578);
Increasing the term of loans of the Ashfield Water District (House, No. 4911);
Establishing a funding schedule for the Worcester County retirement system (House, No. 5268) (its title having been changed by the committee on Bills in the Third Reading);
Increasing the borrowing capacity of the Montague Center Water District (House, No. 5387);
Relative to the maintenance of personnel records (House, No. 5494) (its title having been changed by the committee on Bills in the Third Reading); and
Establishing a funding schedule for the town of Saugus contributory retirement system (House, No. 5508) (its title having been changed by the committee on Bills in the Third Reading);
Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to equal educational opportunity grants (Senate, No. 1475) was read a third time.
The committee on Bills in the Third Reading reported recommending that the bill be amended by inserting before the enacting clause the following emergency preamble:
"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for certain eligibility requirements for equal educational opportunity grants, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."
The amendment was adopted; and the bill (Senate, No. 1475, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

The Senate Bill authorizing the appointment of a treasurer/tax collector in the town of Buckland (Senate, No. 1476) was read a third time.
The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5582), which was read.
The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the reporting of hate crimes (House, No. 5220) was read a third time.
The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5584), which was read.
The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.
The Senate Bill validating certain actions taken at a special town meeting of the town of Salisbury (Senate, No. 1511); and
House bills
Relative to student admissions based on collective bargaining agreements (House, No. 1655);
To prohibit discrimination against students in public schools on the basis of sexual orientation (House, No. 2644);
To permit the analysis of substances by the Postal Inspection Service of the United States Postal Service in drug cases (House, No. 2958);
Relative to the defacement of property (House, No. 3697);
Relative to curriculum requirements (House, No. 3700);
Relative to developing a local plan to identify the day care needs of student parents (House, No. 4071);
To provide medical coverage of secondary school athletics (House, No. 4424);
Relative to criminal offender record information in foster care placements (House, No. 4684, changed);
Relating to leaves of absence for teachers (House, No. 5169);
Relative to the filling of vacancies in the offices of city council and the school committee in the city of Springfield (House, No. 5319);
Relative to the board of public works in the town of Wakefield (House, No. 5405); and
To establish a funding schedule for the city of Waltham retirement system (House, No. 5561);
Severally were read a second time; and they were ordered to a third reading.

House reports
Of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 352) of Brian S. Dempsey for legislation to require all wastewater personnel to take annual medical physicals; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1117) of Kevin W. Fitzgerald that the Department of Public Health be required to establish priority plans for certain vaccines; and
Of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 1350) of the Mass. Federation of Teachers and Michael W. Morrissey for legislation to regulate the expenditure of reimbursements received by cities and towns from the Commonwealth;
Severally were accepted.

The House Bill relative to professional liability insurance for health care providers (House, No. 5479) 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. Mara
of Brockton moved that it be amended by substitution of a bill with the same title (House, No. 5587), 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 establishing a sick leave bank for an employee of the Trial Court of the Commonwealth (House, No. 5484), 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. Clancy of Lynn moved that it be amended by inserting after the word “personal”, in the last sentence (as changed by the committee on Bills in the Third Reading), the word “sick”. The amendment was adopted.

Mr. Dempsey of Haverhill then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 2. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of mental health is hereby authorized and directed to establish a leave bank for Robert Mataresse of the department of mental health. Any employee of the department of mental health may voluntarily contribute one or more sick, vacation or personal days to said bank for use by Robert Mataresse.”, by striking out the title and inserting in place thereof the following title: “An Act establishing sick leave banks for certain employees of the Commonwealth.”; and in the emergency preamble by striking out, in lines 2 and 3, the words “a sick leave bank for a certain employee of the trial court” and inserting in place thereof the words “sick leave banks for certain employees”.

The amendments were adopted; and the bill (House, No. 5484, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

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 Wednesday, May 13.

The House Bill relative to certain abandoned property (House, No. 279, changed) was considered.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on the Judiciary, on motion of Mr. DiMasi of Boston.

At twenty-two minutes after eleven o’clock A.M., on motion of Mr. Draisen of Boston (Mr. Serra of Boston being in the Chair),
the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

The House Bill providing for an advisory board on regionalism for each county accepting this section (House, No. 2788), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. DeFilippi of West Springfield moved that it be amended by adding at the end thereof the following section:

"SECTION 2. Members of the advisory boards shall serve without compensation."

The amendment was adopted; and the bill (House, No. 2788, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to liability for certain violations of the State Building Code (House, No. 5341) (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.

The House report of the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 5468) of William Constantino, Jr., relative to tort liability of parents maintaining residential property free of lead contamination, was considered.

Pending the question on acceptance of the report, the petition was referred to the committee on Health Care, on motion of Mr. DiMasi of Boston. Sent to the Senate for concurrence in the reference.

The House Bill to include AIDS HIV prevention education in the health education curriculum of the public schools (House, No. 2800) was read a second time.

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

The House Bill to improve student-teacher communication by providing that certain information between students and school personnel be confidential (House, No. 3701) was read a second time.

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

House bills
Relative to election officers (House No. 4079); and
Relative to the registration of voters (House, No. 4080);
Severally were read a second time; and they were ordered to a third reading.

The House Bill providing civil service status for certain employees of the Taunton municipal lighting plant (House, No. 5440) was read a second time.

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

The House Bill relative to firearms (House, No. 5560) was read a second time; and it was ordered to a third reading.

House reports
Of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 356) of Mary Jeanette Murray that providers of health care services be prohibited from hiring or contracting for legislative agents;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1883) of Robert L. Howarth relative to the fluoridation of water supplies; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2821) of Walter A. DeFilippi and other members of the House that providers of health care services be prohibited from hiring or contracting for legislative agents;
Severally were accepted.

The House report of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 5039) of William Constantino, Jr., for legislation to prohibit experimentation upon human fetuses, was considered.
Pending the question on acceptance of the report, the petition was recommitted, on motion of Ms. Buell of Greenfield.

The House report of the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 3056) of Stephen J. Karol, Joan M. Menard, Robert A. Antonioni and another for legislation to regulate the awarding of fees and other expenses relative to small businesses in judicial proceedings, was accepted.

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

Before proceeding to consideration of the matters in the Orders of the Day, Mr. Finneran of Boston moved that the Speaker be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of item 8000-3000 in section 2A (for message, see House, No. 5581) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for

**Supplemental appropriations, — section 2A, item 8000-3000.**
Supplemental appropriations, — section 2A, item 8000-3000.

Regional emergency medical services councils, item 8000-3000 stands, — yea and nay No. 120.

Statement of Representative Klimm of Barnstable.

Supplementing certain existing appropriations and for certain activities and projects [see House, No. 5564]; and the motion prevailed.

Pending the question on passing the item, notwithstanding the objections of His Excellency, further consideration thereof was postponed, on further motion of Mr. Finneran, until the hour of one o’clock P.M.

Subsequently, the noon recess having terminated, the veto of item 8000-3000 (funding the regional emergency medical services councils and C-MED communications system) in section 2A, was considered as follows:

“For the purpose of funding the Regional Emergency Medical Services Councils and C-MED communications system; provided, that the councils and C-MEDs designated as such in accordance with 105 CMR 170.101 as of January first, nineteen hundred and ninety-two shall remain the designated councils and C-MEDs; provided further, that not less than sixty-eight thousand dollars shall be made available for Region one, not less than eighty-eight thousand dollars shall be made available for Region two, not less than eighty-eight thousand dollars shall be made available for Region three, not less than eighty-eight thousand dollars shall be made available for Region four, and not less than sixty-eight thousand dollars shall be made available for Region five ........................ 400,000

Local Aid Fund .................. 100.0%”.

After debate the question on passing item 8000-3000 in section 2A, notwithstanding the disapproval by His Excellency the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call (Mrs. Menard of Somerset having been in the Chair) 143 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 120 in Supplement.]

Therefore item 8000-3000 in section 2A was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

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

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

Before proceeding to consideration of the matters in the Orders of the Day, Mr. Finneran of Boston moved that the Speaker be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of section 20 (for message, see House, No. 5581) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain activities and projects [see House, No. 5564]; and the motion prevailed.

Pending the question on passing section 20, notwithstanding the objections of His Excellency, further consideration thereof was postponed, on further motion of Mr. Finneran, until the hour of one o’clock P.M.

Subsequently, the noon recess having terminated, the veto of section 20 (assistance for nursing home applicants) was considered as follows:

"SECTION 20. Section 1 of chapter 118E of the General Laws is hereby amended by striking out the second paragraph, as 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."

After debate the question on passing section 20, notwithstanding the disapproval by His Excellency the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments.
stands,—

yea and nay

No. 121.

to the Constitution; and on the roll call 143 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 121 in Supplement.]

Therefore section 20 was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Subsequently Mr. Klimm of Barnstable 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 yea and nay, 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. Klimm then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

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

Before proceeding to consideration of the matters in the Orders of the Day, Mr. Finneran of Boston moved that the Speaker be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of section 60 (for message, see House, No. 5581) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain activities and projects [see House, No. 5564]; and the motion prevailed.

Pending the question on passing section 60, notwithstanding the objections of His Excellency, further consideration thereof was postponed, on further motion of Mr. Finneran, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the veto of section 60 (state facility privatization study) was considered as follows:

"SECTION 60. 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 and the governor. This section shall not apply to any facility privatized, consolidated or closed prior to March fifteenth, nineteen hundred and ninety-two.”

After debate the question on passing section 60, notwithstanding the disapproval by His Excellency the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 114 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 122 in Supplement.]

Therefore section 60 was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Before proceeding to consideration of the matters in the Orders of the Day, Mr. Finneran of Boston moved that the Speaker be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of section 53 (for message, see House, No. 5581) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain activities and projects [see House, No. 5564]; and the motion prevailed.

Pending the question on passing section 53, notwithstanding the objections of His Excellency, further consideration thereof was postponed, on further motion of Mr. Finneran, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the veto of section 53 (Mental Health Department vendor payments) was considered as follows:

“SECTION 53. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health shall not expend any funds appropriated under items 5046-0000, 5047-0000 and 5051-0100, pursuant to section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, for the payment of any vendor-operated program, service, or function, including the partnership clinics, so-called, which replaces any program, service or function performed during fiscal year 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. Said 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

State facility privatization study, section 60 stands,— yea and nay No. 122.

Supplemental appropriations, — section 53.
programs, and inpatient services at community mental health centers."

After debate the question on passing section 53, notwithstanding the disapproval by His Excellency the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 114 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 123 in Supplement.]

Therefore section 53 was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Message from the Governor—
Disapprovals and Reductions in a Supplementary Budget.

A message from His Excellency the Governor returning with his disapproval of certain items and sections, reductions in certain items and parts of a certain item contained in the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 5464] (for message, see House, No. 5581) was filed in the office of the Clerk on Friday, April 24.

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

The message then was referred, on motion of Mr. Finneran of Boston, to the committee on Ways and Means.

Order.

On motion of Mr. Voke of Chelsea,—

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.

Mrs. McKenna of Holden then moved that as a mark of respect to the memory of Edward D. Harrington, Jr., a member of the House from Holden from 1957 to 1978, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes before five o'clock P.M. (Mrs. Menard of Somerset being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.
Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Serra of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

All-Powerful God, we believe in You, in Your personal interest in us and in the spiritual and human values which You have made known to us. Strengthen our wills to respond to You, Your precepts and expectations, so that we will spontaneously serve You more faithfully. In a changing society and culture teach us to deal justly with others, to encourage neighbors and constituents to be concerned with their communities, and to plan legislatively with confidence for future generations. May we be conscious of the material, human and spiritual component of each person in our 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.

Appointments to Joint Standing Committees.

The Speaker announced the following appointments to joint standing committees:

That Representative Morrissey of Quincy had been appointed to the sixth position and that Representative Story of Amherst had been appointed to the seventh position on the committee on Criminal Justice to fill existing vacancies; and

That Representative Story of Amherst had been appointed to the eighth position on the committee on State Administration to fill an existing vacancy.

Resolutions.

Resolutions (filed with the Clerk by Mr. Marzilli of Arlington) congratulating Edward Burns on his induction into the National High School Sports Hall of Fame, 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. Marzilli, 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 establishing mammography standards and providing for the licensing of mammography facilities (Senate, No. 1545) (on Senate, Nos. 462, 470 and 1527 and on House, No. 2658), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Providing criminal penalties for assault and battery on a mentally retarded person (Senate, No. 107) (reported on Senate, No. 107 and on House, Nos. 1844 and 4822); and

Authorizing the town of Amherst to convey certain parcels of conservation land (Senate, No. 891) (reported on a petition) [Local Approval Received]; and

Designating a certain intersection in the town of Avon as the Warren L. Edwards Memorial Square (Senate, No. 1510, changed by striking out, in line 4, the word “marker” and inserting in place thereof the word “sign”) (reported on a petition);

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

Reports

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 946) of Jane M. Swift and Christopher J. Hodgkins for legislation to authorize the Department of Environmental Management to transfer funds for the construction of reservoirs and other works of improvement for flood control, recreation and related purposes in the watershed of Washington Mountain Brook in Lee; and

Of the petition (accompanied by bill, Senate, No. 974) of Robert D. Wetmore for legislation relative to technical assistance grants to communities where the siting of a solid waste facility has been proposed;

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

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition of Lucile P. Hicks, William Constantino, Jr., Barbara Gardner, Robert D. Hawke, Michael R. Knapik and other members of the General Court for legislation to reform the school building assistance program, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1546)
was referred, in concurrence, to the committee on Education, Arts and Humanities.

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 Charles J. Livingstone for legislation to establish a freeze of water and sewer rates of the Water Resources Authority. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Brion M. Cangiamila and another relative to the annual assessment of real estate taxes. To the committee on Taxation.

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

By Miss O'Brien of Easthampton, for the committee on Counties, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 95) of Arthur E. Chase for legislation to abolish county government;

Of the petition (accompanied by resolve, Senate, No. 96) of Michael C. Creedon and Patricia Lawton that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the county assumption of the administration and operation of state services;

Of the petition (accompanied by bill, Senate, No. 97) of Edward P. Kirby for legislation relative to the fees charged by the Registers of Deeds;

Of the petition (accompanied by bill, Senate, No. 98) of Robert D. Hall, Jr., and James Fahey for legislation to reorganize county government, to transfer to county government the responsibility for local and state functions more appropriately carried out on a regional basis, and to authorize the counties to establish and oversee self-supporting regional confederations where joint efforts can provide more cost-effective provision of local services;

Of the petition (accompanied by bill, Senate, No. 99) of Linda J. Melconian for legislation to further regulate county retirement boards;

Of the petition (accompanied by resolve, Senate, No. 1484) of David H. Locke and Robert D. Hall, Jr., that provision be made for an investigation and study by a special commission (including members of the General Court) relative to a pilot program in the county of Norfolk to create a partnership between public and private entities to renovate for use as a retirement village abandoned county or state facilities or to construct and maintain a county retirement village;
Of the petition (accompanied by bill, Senate, No. 1485) of David H. Locke and Robert D. Hall, Jr., for legislation to provide for a pilot program in the county of Norfolk to create a partnership between public and private entities to renovate for use as a retirement village abandoned county or state facilities or to construct and maintain a county retirement village;

Of the petition (accompanied by bill, House, No. 316) of Mary Jeanette Murray relative to the clarification of the fees of registers of deeds;

Of the petition (accompanied by bill, House, No. 507) of Jeffery J. Hayward for legislation to place on the ballot in Essex County a question relative to the establishment of a charter for said county;

Of the petition (accompanied by bill, House, No. 693) of Joseph N. Hermann and another for legislation to provide for the establishment of a charter for Essex County;

Of the petition (accompanied by bill, House, No. 881) of Stephen M. Brewer, Patrick F. Landers III, Richard T. Moore, Robert D. Wetmore and another for legislation to extend the life of impounded dogs;

Of the petition (accompanied by bill, House, No. 883) of M. Joseph Manning for legislation to regulate the issuance of bonds and notes by counties;

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;

Of the petition (accompanied by bill, House, No. 1644) of Peter J. Larkin relative to the clarification of the fees of registers of deeds;

Of the petition (accompanied by bill, House, No. 2416) of Kevin J. Leach, Bruce E. Tarr, Marianne Brenton, James R. Henry and Robert C. Buell for legislation to provide for the establishment of a charter for Essex County;

Of the petition (accompanied by bill, House, No. 2787) of Byron Rushing, Mary Jeanette Murray and Edward P. Kirby for legislation to clarify the fees of registers of deeds;

Of the petition (accompanied by bill, House, No. 2806) of Barbara Gardner for legislation to ascertain the will of the people at the biennial election in the current year relative to the abolition of county government;

Of the petition (accompanied by bill, House, No. 3131) of Michael W. Morrissey and another relative to the fees charged by the registry of deeds;

Of the petition (accompanied by bill, House, No. 4060) of Carmen D. Buell, Stanley C. Rosenberg, Robert D. Wetmore, Daniel E. Bosley and Jane M. Swift relative to the charter of Franklin County;

Of the petition (accompanied by bill, House, No. 4245) of Kevin Poirier and another for legislation to provide for the election of county commissioners;

Of the petition (accompanied by bill, House, No. 4633) of Andrew Collaro for legislation to authorize the county commissioners of
Worcester County to borrow money for the purpose of making capital improvements to the Worcester County Hospital; and

Of the petition (accompanied by bill, House, No. 4850) of Edward M. Lambert, Jr., relative to the election of county commissioners;

And recommending that the same severally be referred to the committee on Counties on the part of the House;

Of the petition (accompanied by bill, Senate, No. 94) of Robert C. Buell, Joseph N. Hermann, Robert Peachey, George Nash and Ira S. Singer for legislation to authorize and direct the sheriff of Essex County to provide five additional firefighters and five additional police officers in the town of Middleton;

Of the petition (accompanied by bill, House, No. 2785) of Lawrence J. Nascimento for legislation to increase the compensation to the town of Ludlow for the siting of the Hampden County Jail; and

Of the petition (accompanied by bill, House, No. 2951) of Marie-Louise Kehoe for legislation to provide partial compensation for the host community of the Norfolk County Jail and House of Correction;

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. 5180) of Robert A. DeLeo for legislation to prohibit interest charges on unpaid Medicaid expenses for persons over sixty-five years of age;

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. 400) of M. Joseph Manning relative to exempting ethyl alcohol as a pollutant chemical in manufacturing, packaging, rotogravure and flexographic printing; and

Of the petition (accompanied by bill, House, No. 615) of Mary Jeanette Murray for an appropriation of a certain sum of money for reimbursement to the town of Cohasset for an oil spill in the Aaron River in said town;

By Mr. Hodgkins of Lee, for the committee on State Administration, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 825) of Kevin O'Sullivan for legislation to increase state aid for regional public library service;

Of the petition (accompanied by bill, House, No. 2002) of John H. Rogers and Gregory W. Sullivan for legislation to regulate increases of fees imposed by the Commonwealth;

Of the petition (accompanied by bill, House, No. 2374) of Mary Jeanette Murray for legislation to require legislative approval for all fees established by the Secretary of Administration;

Of the petition (accompanied by bill, House, No. 2557) of Paul Kollios, Kevin O'Sullivan and William Constantino, Jr., relative to further regulating fees of the Department of Environmental Management;
Of the petition (accompanied by bill, House, No. 2897) of John F. Cruz for legislation to regulate the fees of certain public officers;

Of the petition (accompanied by bill, House, No. 3452) of Michael J. Connolly and Emanuel G. Serra relative to fees charged by notaries public and other authorized officials;

Of the petition (accompanied by bill, House, No. 3453) of Michael J. Connolly and Emanuel G. Serra relative to the printing and distribution of certain state documents;

Of the petition (accompanied by resolve, House, No. 3804) of Emanuel G. Serra for an investigation by a special commission (including members of the General Court) relative to access of public buildings for disabled persons in the Commonwealth;

Of the petition (accompanied by bill, House, No. 3989) of James R. Henry relative to the setting of state fees;

Of the petition (accompanied by resolve, House, No. 3990) of Thomas G. Palumbo for legislation to require legislative approval for all fees established by the Secretary of Administration;

Of the petition (accompanied by bill, House, No. 4365) of Kevin Poirier for legislation to regulate fees and charges in the Commonwealth;

Of the petition (accompanied by bill, House, No. 4791) of John H. Rogers and Gregory W. Sullivan for legislation to regulate the fees imposed by the Commonwealth on persons sixty-five years of age or older;

Of the petition (accompanied by bill, House, No. 5244) of Frank M. Hynes for legislation to provide for the waiver of local contribution requirements for eligibility for state funding;

Of the petition (accompanied by bill, House, No. 5245) of Sally P. Kerans, Janet W. O'Brien and J. James Marzilli, Jr., for legislation to ensure equity of pay among human service providers employed directly or indirectly by the Commonwealth; and

Of the petition (accompanied by bill, House, No. 5246) of John E. McDonough, Salvatore F. DiMasi and Kevin G. Honan that the Port Authority be directed to reimburse cities and towns for losses on property taxes; and

By Mr. Finneran of Boston, for the joint committee on Ways and Means, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 490) of Mary Jeanette Murray for legislation to provide that a law appropriating money for the expenses of the commonwealth shall not contain provisions on any other subject;

Of the petition (accompanied by bill, House, No. 2585) of Bruce E. Tarr, Nancy H. Evans and Marianne Brenton for legislation to establish all budgets of the Commonwealth as zero based budgets; and

Of the petition (accompanied by bill, House, No. 2929) of John C. Bradford and other members of the House for legislation to require legislative adoption of revenue estimates;

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

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

By Mr. Herren of Fall River, for the committee on Energy, asking to be discharged from further consideration

Of part of the petition (section 12) (accompanied by bill, House, No. 1675) of Angelo M. Scaccia for legislation to reduce the greenhouse effect by promoting clean and efficient energy resources; and

Of part of the petition (section 12) (accompanied by bill, House, No. 3530) of David B. Cohen and other members of the General Court for legislation to promote energy efficiency and to reduce the greenhouse effect;

And recommending that the same severally 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. McIntyre of New Bedford, for the committee on Criminal Justice, on Senate, Nos. 109, 127, 143 and 178 and House, Nos. 894, 1839, 1840, 1841, 1842, 1843, 1845, 1846, 1848, 1852, 2632, 2633, 2964, 3137, 3694, 3698, 4415, 4416 and 4821, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning crimes against elderly persons, gang crime assaults, rape, indecent assault and battery and the abuse, kidnapping and abduction of children (House, No. 5588).

By the same member, for the same committee, on Senate, No. 130 and House, Nos. 891, 2243, 3342, 4824 and 5167, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning penalties for operating motor vehicles under the influence of alcoholic beverages or drugs (House, No. 5589).

By the same member, for the same committee, on Senate, Nos. 140, 163 and 176 and House, Nos. 519, 704, 2241 and 3136, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents regulating hypodermic needles, child pornography, theft of medical records, facsimile checks, destruction of farm property and the illegal use of shopping carts and other containers (House, No. 5590).

By the same member, for the same committee, on Senate, No. 168 and House, Nos. 698, 3514 and 4420, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents prohibiting bail for major drug traffickers (House, No. 5591).

By the same member, for the same committee, on House, Nos. 271, 272, 318, 3141, 4817 and 4826, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain House documents concerning
compensation for victims of criminal acts, rights of victims, medical profiteering and ritualistic acts (House, No. 5592).

By the same member, for the same committee, on House, Nos. 2247, 2250, 2417, 2634, 2635, 2954, 3337, 4636, 4818 and 5016, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain House documents providing penalties for malicious breaking of glass, prison riots, larceny, trespass, defacing of tombs, common receivers of stolen goods and assaults on sports officials (House, No. 5593).

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

By Ms. Gardner of Holliston, for the committee on Education, Arts and Humanities, on House, Nos. 335 and 3153, a Bill relative to school building assistance (House, No. 335, changed by striking out, in lines 5, 12 and also in line 16, the figures “1990” and inserting in place thereof, in each instance, the figures “1992”; and by striking out, in line 10 and also in line 18, the figures “1988” and inserting in place thereof, in each instance, the figures “1992”).

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on the recommendation of the Executive Office of Human Services, a Bill establishing the office for refugees and immigrants in the Executive Office of Human Services (House, No. 123, changed in section 3 by inserting after the word “purposes;”, in line 58, the following: “provided however, that no responsibilities of the Department of Public Welfare under Chapter 118 or 118E of the General Laws shall be transferred to the office;”, by inserting after the word “jurisdictions;”, in line 62, the words “provided further, that state funds shall not be used by the office to supplant federal funding if such funding is withdrawn;”; and by adding at the end thereof the following section:

“SECTION 4. This act shall take effect upon its passage.”).

By the same member, for the same committee, on a petition, a Bill to begin the process to establish a life care center at Lemuel Shattuck Hospital (House, No. 746, changed by striking out, in lines 4 and 5, the words “long-term elderly care” and inserting in place thereof the words “low and moderate income frail elders”).

By the same member, for the same committee, on House, Nos. 2673, 2674, 3375 and 3918, a Bill increasing the amount of money allowed for certain burial expenses (House No. 2673, changed by adding at the end thereof the following section:

“SECTION 8. Section 10 of chapter 118E, as most recently amended by section 181 of chapter 138 of the acts of 1991, is hereby further amended by striking subsection 5 and inserting in place thereof the following: — funds, up to a maximum of twenty-five hundred dollars deposited in a trust account and so reserved for the payment of funeral and burial expenses of the applicant or recipient of assistance including, but not limited to, the purchase of a plot, the opening of the grave, the fee for religious services, and the monument inscription; the cash surrender value of burial insurance, so called; or prepaid irrevocable burial contracts, so called.”).
By the same member, for the same committee, on a petition, a Bill to increase the personal care allowance for residents of long term care facilities (House, No. 3017, changed in section 1 by striking out, in lines 3 and 4, the words “inserting after the second paragraph the following paragraphs” and inserting in place thereof the words “striking the last two paragraphs and inserting the following paragraphs”; and in section 2 by striking out, in lines 3 and 4, the words “inserting the following paragraph at the end thereof” and inserting in place thereof the words “striking the last two paragraphs and inserting at the end the following”) [Cost: $4,500,000.00].

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, Nos. 27 and 29, a Bill authorizing and directing the Secretary of State, who shall make all written laws and public documents available and accessible in electronic format for use by the print handicapped through the American Standard Code of Information Interchange or its successor (House, No. 29).

By the same member, for the same committee, on House, Nos. 216 and 220, a Bill authorizing the Commissioner of Capital Planning and Operations to acquire certain easements from the town of Hingham (House, No. 220).

By the same member, for the same committee, on a petition, a Bill further authorizing the Division of Capital Planning and Operations to convey certain park land in the town of Hull to the Hull redevelopment authority (House, No. 440).

By the same member, for the same committee, on a petition, a Bill to promote the purchase of Massachusetts grown produce by needy persons (House, No. 1406).

By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Planning and Operations to grant easements over certain parkland in the town of Holbrook (House, No. 1805).

By the same member, for the same committee, on a petition, a Bill to promote water conservation (House, No. 2554).

By the same member, for the same committee, on a petition, a Bill to protect tropical rain forests by restricting state purchases of certain wood products (House, No. 2727).

By the same member, for the same committee, on a petition, a Bill requiring certain notices to be given regarding acquisition of real property by the Commonwealth (House, No. 3296).

By the same member, for the same committee, on Senate, No. 1191 and House, Nos. 100 and 101, a Bill relative to contracts for the purchase of energy management services (House, No. 5594).

By the same member, for the same committee, on House, No. 1017, a Bill authorizing the Division of Capital Planning and Operations to convey the state police barracks in the town of Brookfield to the town of Brookfield (House, No. 5595).

By the same member, for the same committee, on House, No. 1604, a Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Hadley to John F. Koloski and Phyllis P. Koloski (House, No. 5596).
By Mrs. Lewis of Bridgewater, for the same committee, on a petition, a Bill providing for reimbursement to cities and towns for police and fire services furnished to certain state facilities (House, No. 3800).

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

By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, on House, Nos. 525, 526 and 4830, a Bill increasing the fines for prostitution convictions (House, No. 526).

By the same member, for the same committee, on House, Nos. 509, 1651, 3338 and 4819, a Bill further defining the laws relative to criminal justice (House, No. 1651, changed by striking out the emergency preamble) [Representative Krekorian of Reading dissenting].

By the same member, for the same committee, on a petition, a Bill relative to confiscation of firearms upon conviction of certain offenses (House, No. 5161).

By the same member, for the same committee, on Senate, Nos. 108, 173 and 183 and House, Nos. 523, 2629, 2955, 3512 and 5163, a Bill prohibiting certain acts against children (House, No. 5597).

By the same member, for the same committee, on Senate, No. 146 and House, Nos. 890 and 5164, a Bill relative to shoplifting (House, No. 5598).

By the same member, for the same committee, on Senate, Nos. 156, 157, 158 and 159 and House, No. 2035, a Bill relative to the penalties for killing, maiming or poisoning of an animal (House, No. 5599).

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on House, No. 4841, a Bill relative to including the role of African-Americans in school history curriculum (House, No. 5601).

By Mrs. Cleven of Chelmsford, for the same committee, on a petition, a Bill requiring all institutions of higher education to implement an AIDS policy (printed as Senate, No. 224).

By Mr. Walsh of Agawam, for the committee on Government Regulations, on House, Nos. 152 and 154, a Bill making certain changes in the operation of the State Lottery (House, No. 154).

By the same member, for the same committee, on House, Nos. 152 and 156, a Bill making certain changes in the operation of the State Lottery (House, No. 156).

By Ms. Buell of Greenfield, for the committee on Health Care, on House, Nos. 42 and 69, a Bill relative to the Board of Registration in Medicine (House, No. 69).

By the same member, for the same committee, on House, Nos. 176 and 180, a Bill requiring immunization of certain college students (House, No. 180).

By the same member, for the same committee, on a petition, a Bill providing for reports of drug overdose (House, No. 917).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill facilitating procedures for
grants of location in Metropolitan District Commission property (House, No. 3292).

By the same member, for the same committee, on a petition, a Bill further regulating the filing of personal data systems notices (House, No. 3450).

By the same member, for the same committee, on a petition, a Bill to designate the maintenance building of the Blackstone River and Canal Heritage State Park as the "Honorable P. Eugene Casey Memorial Building" (House, No. 3656).

By the same member, for the same committee, on a petition, a Bill preventing disclosure of public employees' home addresses (House, No. 4358).

By the same member, for the same committee, on a petition, a Bill to designate a portion of the Blackstone River and Canal Heritage State Park in Uxbridge as the Grace Ballou Picnic Area (House, No. 4606).

By the same member, for the same committee, on House, No. 5493, a Bill directing the Superintendent of State Office Buildings to install and maintain a plaque to honor the lasting contributions of General Marquis de Lafayette and the Franco-American community (House, No. 5602).

By Mrs. Kehoe of Dedham, for the same committee, on a petition, a Bill further regulating the sale of surplus state vehicles and equipment (House, No. 4955).

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

By Mr. Brett of Boston, for the committee on Banks and Banking, ought NOT to pass, on so much of the recommendations of the Commissioner of Banks (House, No. 9) as relates to the receipt of deposits for transmittal to foreign countries (accompanied by bill, House, No. 17).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 291) of M. Joseph Manning relative to electronic fund transfers of banking institutions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 292) of William Peace for legislation to regulate the fees charged by banks acting as custodians of individual retirement accounts.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 685) of Angelo M. Scaccia relative to reverse mortgage loans.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 869) of Stephen M. Brewer and another relative to the renewal of certain real estate loans.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1247) of William G. Reinstein for legislation to regulate deposits in savings banks.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1248) of William G. Reinstein for legislation to revise certain examination procedures of the Division of Banks.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1251) of the Credit Union League of Massachusetts, Inc., and Anthony M. Scibelli relative to investments by credit unions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1438) of Shannon P. O'Brien for legislation to regulate the purchase and sale of securities in stock corporations or thrift institutions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1829) of Kevin G. Honan relative to the use of collective investment funds and common trust funds.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2225) of Kevin G. Honan relative to the use of collective investment funds and common trust funds.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2402) of Peter I. Blute relative to the servicing of automatic teller machines of banking institutions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3492) of Paul Kollios relative to the notification and availability of documents in certain mortgage transactions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3686) of Philip Travis for legislation to regulate the acquisition of mutual bank holding companies.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3687) of Philip Travis for legislation to regulate distributions from the Share Insurance Fund by the Co-Operative Central Bank.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4041) of John F. Cox relative to electronic branches and electronic fund transfers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4042) of John F. Cox relative to electronic branches and electronic fund transfers.

By Ms. O’Brien of Easthampton, for the committee on Counties, ought NOT to pass, on the petition (accompanied by bill, House, No. 4227) of Alvin E. Thompson relative to county retirement boards.

By Ms. Buell of Greenfield, for the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 5489) of Richard T. Moore for legislation to further regulate prescription forms.
THURSDAY, MAY 7, 1992.

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, ought NOT to pass, on so much of the recommendations of the Executive Office of Communities and Development (House, No. 34) as relates to veterans of recent conflicts (accompanied by bill, House, No. 36).

By Mr. DiMasi of Boston, for the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 1160) of Athan Catjakis relative to exemptions of property of a debtor upon seizure or execution.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2837) of Daniel E. Bosley, Jane M. Swift, Christopher J. Hodgkins, Kevin P. Blanchette, Daniel J. Valianti and Kevin G. Homan relative to the awarding of fees and other expenses to small businesses in judicial proceedings.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4513) of John A. Businger that provision be made for appellate review of certain orders in summary process actions involving residential tenancies.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 5280) of William Constantino, Jr., for legislation to prohibit the distribution of condoms and birth control devices in the public schools.

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 617) of Mary Jeanette Murray relative to the management of solid waste and the abatement of pollution resulting therefrom.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2122) of Claudia Kelty Edgell that certain humane societies be required to maintain free or low cost spay and neuter clinics for animals.

By Mr. Scaccia of Boston, for the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2570) of John F. Cox relative to certain liens on real estate and future interests.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2909) of Daniel E. Bosley and Jonathan L. Healy relative to the establishment of a forest products trust fund.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3479) of Richard T. Moore relative to the trade-in of boats and airplanes under the sales tax law.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3845) of Philip Travis for legislation to exempt day camp services from the sales tax.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4206) of Stephen W. Doran, Lucile P. Hicks, Marianne Brenton and
Robert A. Havern for legislation to provide for the distribution of the jet fuel tax collected at Lawrence G. Hanscom Field.

By Mr. Karol of Attleboro, for the committee on Transportation, ought NOT to pass, on part of a message (as relates to section 15) from His Excellency the Governor recommending legislation relative to regulatory reform (House, No. 1999).

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

Mr. Constantino of Clinton then moved that as a mark of respect to the memory of J. Philip Howard, a member of the House from Westminster from 1941 to 1962, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at seven minutes after eleven o'clock A.M., on motion of Mr. Angelo of Saugus (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.

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

Ever-present God, we ask for wisdom and guidance as we pause for a moment of prayer and reflection. In Your goodness, enlighten our minds so that we may see and accept all people as members of the one human family. Prosper our efforts to build a more humane and concerned society in which the dignity, human and civil rights of all are respected. Teach us to work with all people who are concerned with the common good and the well-being of all citizens and of our communities.

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.

Change in a House Standing Committee.

The Speaker announced that Representative Tobin of Quincy had been relieved of duty (at his own request) from the committee on Post Audit and Oversight.

Appointments to a Joint Standing Committee.

The Speaker announced the appointment of Representative Tobin of Quincy to the seventh position and Representative DeLeo of Winthrop to the eighth position on the committee on the Judiciary to fill existing vacancies.

Statement of Representative Karol of Attleboro.

During consideration of the Orders of the Day, Mr. Karol of Attleboro 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 a meeting at the State Transportation Building relative to National Transportation Week. Any roll calls that I may have missed today was due entirely to the reason stated.

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

Statement of Representative Mandile of Waltham.

During consideration of the Orders of the Day, Mr. Mandile of Waltham 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 mechanical problems with my car. Any roll calls that I may have missed was due entirely to the reason stated.

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

Statement Concerning Representative Peters of Charlton.

During consideration of the Orders of the Day, Mrs. McKenna of Holden 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 one of our colleagues, Representative Peters of Charlton, will not be present in the House Chamber for today's sitting due to his attendance at a funeral in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

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

Resolutions.

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

- Resolutions (filed by Speaker Flaherty of Cambridge) on the occasion of Fitness Day on the Hill; and
- Resolutions (filed by Representatives Travis of Rehoboth and Menard of Somerset) congratulating Chief Ralph T. LePore of the Swansea Police Department 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 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.

Petitions.

Mr. Turkington of Falmouth presented a petition (accompanied by bill, House, No. 5609) of Eric Turkington and another (by vote of the town) for legislation to authorize the town of Tisbury to establish a special trust fund; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

- By Mr. Cangiamila of Billerica, petition (subject to Joint Rule 12) of Brion M. Cangiamila (by vote of the town) for legislation to authorize the town of Billerica to issue motor vehicle licenses and registrations.
- By Mr. Caron of Springfield, petition (subject to Joint Rule 12) of Paul E. Caron and James P. Jajuga relative to the regulation of carriage horses and the operation of horse drawn carriages for public hire on public roads and ways of the Commonwealth.
By Mr. Giglio of Medford (by request), petition (subject to Joint Rule 12) of Harold Brenner relative to interest rates on certain tenant security deposits.

By Mr. Hawke of Gardner, petition (subject to Joint Rule 12) of Robert D. Hawke and Stephen M. Brewer relative to requiring the Registry of Motor Vehicles to maintain an office in the city of Gardner.

By Ms. Hornblower of Groton, petition (subject to Joint Rule 12) of Augusta Hornblower that the Division of Capital Planning and Operations be authorized to convey certain easements in the towns of Groton and Pepperell.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of John C. Klimm relative to further regulating the game commonly called Beano.

By Mrs. Menard of Somerset, petition (subject to Joint Rule 12) of Joan M. Menard relative to allowing police vehicles to display a combination red and blue light.

By Mr. Merced of Boston, petition (subject to Joint Rule 12) of Nelson Merced, Vincent P. Ciampa, Peter A. Vellucci, Alvin E. Thompson, Michael LoPresti, Jr., and another for legislation to proclaim “Dialogue in Dorchester” as the state opera of the Commonwealth.

By Mrs. Murray of Cohasset, petition (subject to Joint Rule 12) of Mary Jeanette Murray for legislation to authorize the Executive Office of Economic Affairs to conduct a study of the feasibility of establishing an enterprise zone in Plymouth County.

By the same member, petition (subject to Joint Rule 12) of Mary Jeanette Murray relative to further regulating rents in public housing.

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

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 1547) of Robert C. Buell, Bruce E. Tarr and Paul E. Bockelman (by vote of the town) for legislation to authorize the town of Manchester-by-the-Sea to reimburse Wilber Stanley for certain injuries sustained as a firefighter, 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 Rules 12 and 9 be suspended on the petition of Eric Turkington, Henri S. Rauschenbach and another for legislation to authorize the town of Nantucket to develop a public water supply system. Under suspension of Rule 42, on motion of Mr. Turkington of Falmouth, the report was considered forthwith. Joint Rules 12...
and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture. 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 Barbara Hildt for legislation to authorize the Commissioner of Education to establish guidelines for a program to instruct school administrators and teachers relative to the laws of sexual harassment. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Coleman Mulkern relative to certain motor vehicle violations of persons convicted of driving under the influence of intoxicating liquor, marijuana, a narcotic drug, depressant or stimulant substance. To the committee on Criminal Justice.

Petition (accompanied by bill) of Marie J. Parente, Larry F. Giordano, Gloria L. Fox and Stanley C. Rosenberg relative to the removal of children from foster care homes. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of the Citizens Coalition for Court Reform, Michael LoPresti, Jr., and Salvatore F. DiMasi for legislation to provide for the orderly unification of the Trial Court and improving the administration of justice in the Commonwealth. To the committee on the Judiciary.

Petition (accompanied by bill) of Joseph Galgana relative to the appointment of harbor masters; and

Petition (accompanied by bill) of Frank M. Hynes relative to the removal and disposal of paints and pesticides;

Severally to the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Barbara Hildt and other members of the General Court relative to sexual harassment in public agencies. To the committee on State Administration.

Petition (accompanied by bill) of Brion M. Cangiamila relative to the collection of motor vehicle excise taxes. To the committee on Taxation.

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

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. 2129) of Patrick F. Landers III relative to applications for permits for solid waste transfer stations by mobile home parks to the Department of Environmental Protection;

Of the petition (accompanied by resolve, House, No. 2258) of Richard T. Moore, Peter I. Blute, Raymond A. Jordan, Jr., and Walter A. DeFilippi for an investigation by a special commission
(including members of the General Court) relative to the compatibility of a mandatory deposit system with comprehensive separation and recycling problems;

Of the petition (accompanied by bill, House, No. 2519) of Barbara E. Gray for legislation to regulate the cutting of trees by the Metropolitan District Commission and the Water Resources Authority;

Of the petition (accompanied by bill, House, No. 2857) of Barbara Gardner and other members of the House for legislation to establish a heritage trust fund for the purpose of assisting local governments in acquiring lands for recreation and conservation purposes;

Of the petition (accompanied by bill, House, No. 3333) of Richard T. Moore relative to the penalty for vehicular homicide in the operation of a vessel;

Of the petition (accompanied by bill, House, No. 5087) of Lida E. Harkins relative to the construction of the relief sewer for the town of Framingham by the Water Resources Authority and the access to certain property known as “Elm Bank” in the town of Dover; and

Of the petition (accompanied by bill, House, No. 5092) of J. Michael Ruane relative to the South Essex Sewerage District;

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. 3630) of Steven Angelo, Thomas F. Walsh and Barbara Gardner relative to directing the State Fire Marshal to conduct a study of the laws and regulations for explosives;

Of the petition (accompanied by bill, House, No. 3972) of Thomas G. Palumbo and James P. Jajuga for legislation to establish a separate fund to be known as the highway safety, treatment and alcohol education fund from the proceeds of persons placed in driver alcohol education programs;

Of the petition (accompanied by bill, House, No. 5286) of Andrew Collaro relative to the reimbursement of county jails and houses of correction for medical and health services provided to inmates during their incarceration; and

Of the petition (accompanied by bill, House, No. 5288) of Salvatore F. DiMasi relative to the remittance of fines collected by jailers and superintendents of houses of correction;

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

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

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. 5271) of Robert Dunlop relative to restitution to insurance companies in sentencing in criminal court cases, — and recommending that the same be referred to the committee on Insurance;
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, Senate, No. 1505) of Paul D. Harold, Edward G. Connolly, Stephen J. Karol and Edward P. Kirby for legislation relative to veterans preference, — and recommending that the same be referred to the committee on Public Service; and

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. 1723) of Paul E. Caron and James P. Jajuga for legislation to regulate the removal of underground storage tanks; and

Of the petition (accompanied by bill, House, No. 1724) of Paul E. Caron and James P. Jajuga for legislation to regulate the disposal of certain abandoned storage tanks;

And recommending that the same severally be referred to the committee on Public Safety.

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

By Mr. Moore of Uxbridge, for the committee on Election Laws, on Senate, Nos. 292 and 295 and House, Nos. 340, 540, 1286, 1663, 1674, 1871, 2049, 2254, 2973, 2975, 3356, 3715, 3882 and 4243, an Order relative to authorizing the committee on Election Laws to make an investigation and study of certain Senate and House documents concerning elections and other related matters (House, No. 5603).

By Mr. Herren of Fall River, for the committee on Energy, on Senate, Nos. 306, 308 and 312 and House, Nos. 1287, 2050, 2646, 2648, 2809, 3358, 3535, 3536, 3538, 3539, 3540, 3544, 3547, 3549, 3553, 3572, 3716, 3889 and 4654, an Order relative to authorizing the committee on Energy to make an investigation and study of certain Senate and House documents concerning returnable beverage containers, global warming and other related matters (House, No. 5604).

By the same member, for the same committee, on Senate, No. 309 and House, Nos. 1008, 2257, 2433, 2981, 3543, 3551, 3552, 3557, 3562, 4083 and 5029, an Order relative to authorizing the committee on Energy to make an investigation and study of certain Senate and House documents concerning efficient lighting, energy conservation, regulations for energy companies, integrated resource management and the importation of electricity (House, No. 5605).

By Mr. Rushing of Boston, for the committee on Local Affairs, on Senate, No. 894 and House, Nos. 34, 37, 1344, 1345, 1531, 2115, 2120, 2121, 2694, 2695, 2850, 3059, 3411, 3610, 3611, 3618, 3622, 3763, 3959, 5083, 5284 and 5332, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain Senate and House documents concerning land use
planning and policy, zoning and other related matters in the cities and towns of the Commonwealth (House, No. 5606).

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

By Mrs. Kehoe of Dedham, for the committee on State Administration, on a petition, a Bill relative to reimbursement to cities and towns (House, No. 2900). Read; and referred, under Rule 33, to the committees on Counties on the part of the House.

By Ms. Buell of Greenfield, for the committee on Health Care, on House, Nos. 731 and 5356, a Bill further regulating dental hygienists (House, No. 5356).

By Mr. Hodgkins of Lee, for the committee on State Administration, on Senate, No. 1197 and House, Nos. 124, 125, 1593 and 1990, a Bill requiring the open and accountable acquisition and disposition of real property by state authorities (House, No. 1593).

By the same member, for the same committee, on a petition, a Bill providing for continued services to the elderly, the infirmed, the mentally ill, the mentally retarded, and persons in need of respite care (House, No. 3662).

By the same member, for the same committee, on a petition, a Bill to promote purchase of Massachusetts grown and produced products and to reveal compliance with the small business purchasing act of 1976, with respect to state food purchasing (House, No. 4957).

By the same member, for the same committee, on a petition, a Bill relative to criminal offender record information and human service providers (House, No. 5121).

By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in Revere to Robert J. Bonney (House, No. 5242).

By the same member, for the same committee, on House, No. 3660, a Bill providing for the construction of a Korean war memorial (House, No. 5607) [Estimated Cost: $175,000.00].

By the same member, for the same committee, on House, Nos. 3, 8, 4360 and 5249, a Bill clarifying the scope of the local mandate law (House, No. 5608).

By Mrs. Lewis of Bridgewater, for the same committee, on House, Nos. 1224, 1225, 3799 and 3802, a Bill providing for reimbursement to cities and towns for services furnished to certain state facilities (House, No. 3799).

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

By Miss O’Brien of Easthampton, for the committee on Counties, on a petition, a Bill concerning management of “The James P. Cahen Medical Fund” (printed as Senate, No. 1467).
By the same member, for the same committee, on a petition, a Bill authorizing counties to issue refunding bonds and notes (House, No. 884).

By the same member, for the same committee, on a petition, a Bill to allow the county commissioners to receive real estate appeals fees (House, No. 1645).

By the same member, for the same committee, on a petition, a Bill relative to the examination of accounts of county treasurers and registries of deeds (House, No. 2786).

By the same member, for the same committee, on House, Nos. 176, 181 and 2953, a Bill requiring the vaccination of cats (House, No. 5610).

By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, on House, Nos. 319, 1648 and 1850, a Bill relative to throwing or dropping objects on a public way (House, No. 1648).

By the same member, for the same committee, on House, Nos. 889, 893, 1077, 1079, 1080 and 2040, a Bill to further regulate the penalty for entering a dwelling house in the nighttime and breaking and entering in the daytime (House, No. 5611).

By the same member, for the same committee, on House, Nos. 5159 and 5160, a Bill relative to consumption of alcohol by persons under the age of twenty-one (House, No. 5612) [Senator Harold dissenting].

By Mrs. Harkins of Needham, for the committee on Education, Arts and Humanities, on House, No. 899, a Bill relative to college credit for courses in American sign language (House, No. 5613) [Representatives Gardner of Holliston and Lambert of Fall River dissenting].

By Mr. Moore of Uxbridge, for the committee on Election Laws, on a petition, a Bill relative to certain elections (House, No. 5518) [Local Approval Received].

By Mr. Jordan of Springfield, for the committee on Housing and Urban Development, on a petition, a Bill relative to informing tenants of the quality of the drinking water (House, No. 4878).

By the same member, for the same committee, on a petition, a Bill to empower the Boston Fair Housing Commission to enforce by judicial power the provisions of Title VIII and impose civil penalties (substantial equivalency) (House, No. 5404) [Local Approval Received].

By Mr. Rushing of Boston, for the committee on Local Affairs, on a message from His Excellency the Governor, a Bill relative to sanding rights in the town of Falmouth (printed in House, No. 5465).

By the same member, for the same committee, on House, No. 1171, a Bill relative to the cost of Medicare and F.I.C.A. taxes imposed upon cities, towns and districts for certain municipal employment (House, No. 5614).

By the same member, for the same committee, on House, No. 5311, a Bill authorizing the placing of certain liens on properties for guilty violations of certain state codes (House, No. 5615).

Severally read; and placed in the Orders of the Day for the next sitting for a second reading.
MONDAY, MAY 11, 1992.

By Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor (House, No. 5350), Resolutions 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. 5616). Placed in the Orders of the Day for the next sitting, the question being on adoption.

By Mr. Walsh of Agawam, for the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 908) of Robert Correia for legislation to further define cable television.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1685) of Angelo M. Scaccia and another relative to the registration of certain corporations conducting the business of home improvement renovations and alterations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1878) of Marie-Louise Kehoe, Andrew Collaro, Robert M. Koczera, Walter A. DeFilippi, Shannon P. O'Brien and Raymond A. Jordan, Jr., relative to the membership of the Board of Registration of Cosmetology.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3158) of Larry F. Giordano, Richard T. Moore and James P. Jajuga for legislation to authorize sports pool wagering on professional football games.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4143) of Eric Turkington and another relative to the management of solid waste and the abatement of pollution resulting therefrom.

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 4143) of Eric Turkington and another relative to the management of solid waste and the abatement of pollution resulting therefrom.

By Mr. Caron of Springfield, for the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 409) of M. Joseph Manning relative to further regulating armored car services.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 416) of Bud Nugent for legislation to regulate the wearing of headgear for operators and passengers of motorcycles.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 621) of Cynthia Betters for legislation to further regulate the height requirements on certain motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1013) of Christopher C. Kyprianos relative to the safe operation of motorcycles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1759) of Peter J. Larkin for legislation to further regulate the height requirements on certain motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2144) of Alvin E. Thompson, Gloria L. Fox, Bill Owens and Shirley Owens-Hicks relative to the public disclosure of criminal offenses committed at educational institutions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2869) of Dale Gibson relative to the wearing of helmets for operators and passengers on motorcycles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3428) of Pamela P. Resor and Robert A. Durand for legislation to further regulate railroad warning devices at certain grade crossings.

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 Mental Health (House, No. 163) as relates to allowing certain persons to serve on mental health advisory committees (accompanied by bill, House, No. 167).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 439) of Mary Jeanette Murray for legislation to designate English as the official language of the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1034) of AFSCME Council 93 and Emanuel G. Serra for legislation to prohibit the imposition of parking fees upon employees of the Commonwealth at institutions of higher education.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1231) of Kevin O'Sullivan for legislation to prohibit the printing of names of state officers in reports and other publications issued by the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1794) of William P. Nagle, Jr., relative to works of art and certain payments to artists.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3658) of Marc R. Pacheco relative to audits performed by the State Auditor.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4597) of John A. Businger relative to the authority of the office of the State Auditor to declare certain laws or rules or regulations not to be effective in cities or towns.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4954) of Frank M. Hynes relative to members of state committees of political parties under the laws regulating the conduct of public employees.

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

Engrossed Bills.

Engrossed bills

Establishing the crime of stalking (see Senate, No. 1493) (which originated in the Senate);
Relative to the annual observance of Korean War Veterans Day (see House, No. 286);
Relative to the appointment of a superintendent of public works in the town of South Hadley (see House, No. 4723); and
Regulating early cardiac defibrillation (see House, No. 5505); (Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Reading to transfer certain park land to highway purposes (see House, No. 5313) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 136 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 124 in Supplement.]

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

Motion to Suspend Rule 24(2).

During consideration of the Orders of the Day, there being no objection, Mr. Lionett of Worcester moved that Rule 24(2) be suspended in order that he might offer, from the floor, Resolutions (filed by him and Messrs. Hawke of Gardner and Tarr of Gloucester) requesting the President of the Senate and the members of the Senate
to adopt the House Order calling for a joint session to consider amendments to the Constitution.

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

Orders of the Day.

The Senate Bill relative to the Martha's Vineyard Commission (Senate, No. 890), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills
Relative to closing arguments by attorneys in certain civil cases (House, No. 3184) (its title having been changed by the committee on Bills in the Third Reading);
Relative to the board of public works in the town of Wakefield (House, No. 5405);
Amending the city of Waltham charter relative to publication of city ordinances (House, No. 5455);
Relative to the charter of the town of Easthampton (House, No. 5456);
Validating certain zoning by-laws of the town of Tisbury (House, No. 5459);
Relative to certain medical records of patients (House, No. 5499) (its title having been changed by the committee on Bills in the Third Reading);
Relative to consolidated departments of municipal finance (House, No. 5542) (its title having been changed by the committee on Bills in the Third Reading); and
Establishing a funding schedule for the city of Waltham retirement system (House, No. 5561) (its title having been changed by the committee on Bills in the Third Reading);
Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills
Authorizing the town of Amherst to convey certain parcels of conservation land (Senate, No. 891); and
Designating a certain intersection in the town of Avon as the Warren L. Edwards Memorial Square (Senate, No. 1510, changed); and
House bills
Relative to the Board of Registration in Medicine (House, No. 69);
Making certain changes in the operation of the State Lottery (House, No. 154);
Making certain changes in the operation of the State Lottery (House, No. 156);
Requiring immunization of certain college students (House, No. 180);
Increasing the fines for prostitution convictions (House, No. 526);
Providing for reports of drug overdose (House, No. 917);
To designate the maintenance building of the Blackstone River and Canal Heritage State Park as the "Honorable P. Eugene Casey Memorial Building" (House, No. 3656);
To designate a portion of the Blackstone River and Canal Heritage State Park in Uxbridge as the Grace Ballou picnic area (House, No. 4606);
Further regulating the sale of surplus state vehicles and equipment (House, No. 4955);
Relative to confiscation of firearms upon conviction of certain offenses (House, No. 5161);
Prohibiting certain acts against children (House, No. 5597);
Relative to shoplifting (House, No. 5598); and
Directing the Superintendent of State Office Buildings to install and maintain a plaque to honor the lasting contributions of General Marquis de Lafayette and the Franco-American community (House, No. 5602);
Severally were read a second time; and they were ordered to a third reading.

House reports
Of the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, House, No. 291) of M. Joseph Manning relative to electronic fund transfers of banking institutions;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 292) of William Peace for legislation to regulate the fees charged by banks acting as custodians of individual retirement accounts;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 685) of Angelo M. Scaccia relative to reverse mortgage loans;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 869) of Stephen M. Brewer and another relative to the renewal of certain real estate loans;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1247) of William G. Reinstein for legislation to regulate deposits in savings banks;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1248) of William G. Reinstein for legislation to revise certain examination procedures of the Division of Banks;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1251) of the Credit Union League of Massachusetts, Inc., and Anthony M. Scibelli relative to investments by credit unions;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1438) of Shannon P. O'Brien for
legislation to regulate the purchase and sale of securities in stock corporations or thrift institutions;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1829) of Kevin G. Honan relative to the use of collective investment funds and common trust funds;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2225) of Kevin G. Honan relative to the use of collective investment funds and common trust funds; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3492) of Paul Kollios relative to the notification and availability of documents in certain mortgage transactions;

Of the committee on Counties, ought NOT to pass, on the petition (accompanied by bill, House, No. 4227) of Alvin E. Thompson relative to county retirement boards;

Of the committee on Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 1160) of Athan Catjakis relative to exemptions of property of a debtor upon seizure or execution;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2837) of Daniel E. Bosley, Jane M. Swift, Christopher J. Hodgkins, Kevin P. Blanchette, Daniel J. Valianti and Kevin G. Honan relative to the awarding of fees and other expenses to small businesses in judicial proceedings; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4513) of John A. Businger that provision be made for appellate review of certain orders in summary process actions involving residential tenancies;

Of the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 2122) of Claudia Kelty Edgell that certain humane societies be required to maintain free or low cost spay and neuter clinics for animals; and

Of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2570) of John F. Cox relative to certain liens on real estate and future interests;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2909) of Daniel E. Bosley and Jonathan L. Healy relative to the establishment of a forest products trust fund;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3479) of Richard T. Moore relative to the trade-in of boats and airplanes under the sales tax law; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3845) of Philip Travis for legislation to exempt day camp services from the sales tax;

Severally were accepted.
At thirteen minutes after eleven o'clock A.M., on motion of Mr. Goguen of Fitchburg, the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order.

There being no objection, — the engrossed Bill providing for a cost-of-living adjustment for state and municipal retirees (see House, No. 5260) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 5477), was considered.

The committee on Bills in the Third Reading reported recommending that the amendments recommended by His Excellency the Governor be considered in the following form:

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

"In accordance with the provisions of section one hundred and two of chapter thirty-two of the General Laws, the retirement allowance, pension, or annuity of every former employee of the commonwealth or any county, city, town, district, housing or redevelopment authority, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Blue Hills Regional Vocational School System, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District or of the spouse or other beneficiary of any former employee who is receiving a retirement allowance, pension or annuity shall, beginning July first, nineteen hundred and ninety-three, be increased by four percent; provided, however, that no individual retiree shall receive an increase greater than three hundred and sixty dollars annually; and provided, further, that notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amount of any retirement allowance, pension, or annuity increase provided by this act shall not be applied to individuals who received an additional retirement benefit in accordance with the provisions of any early retirement program enacted as part of the acts of nineteen hundred and ninety-two, including the act entitled 'An Act providing for an early retirement incentive program for state employees'.", and by striking out the emergency preamble. The report was accepted.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Blanchette of Lawrence; and on the roll call 0 members voted in the affirmative and 138 in the negative.

Therefore the amendments were rejected. Sent to the Senate for its action.

Subsequently Mr. Miceli of Wilmington 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
Miceli of Wilmington.

Statement of Representative Sullivan of Abington.

AIDS education.

part of the State House. Had I been present when the vote was taken, I would have voted in the negative.

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

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

The House Bill to include AIDS HIV prevention education in the health education curriculum of the public schools (House, No. 2800) was considered.

Pending the question on ordering the bill to a third reading, Ms. Buell of Greenfield moved that it be amended by inserting after the word “Education,” in line 10, the words “and in consultation with the department of public health,”.

Pending the question on adoption of the amendment, and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Teague of Yarmouth, 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 subject-matter was considered further, pending which, further consideration thereof was again postponed, on motion of Ms. Buell of Greenfield, until after disposition of the remaining matters in the Order of the Day.

House bills

To improve student-teacher communication by providing that certain information between students and school personnel be confidential (House, No. 3701); and

Providing civil service status for certain employees of the Taunton municipal lighting plant (House, No. 5440);

Severally were ordered to a third reading.

The Senate Bill providing criminal penalties for assault and battery on a mentally retarded person (Senate, No. 107) was read a second time; and it was ordered to a third reading.

The House Bill requiring all institutions of higher education to implement an AIDS policy (printed as Senate, No. 224) was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Buell of Greenfield moved that it be amended by inserting after
the word "education", in line 2, the words "and in consultation with the department of public health,"

The amendment was adopted; and the bill (printed as Senate, No. 224, amended) was ordered to a third reading.

The House Bill further defining the laws relative to criminal justice (House, No. 1651, changed) was read a second time. Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of 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 bill was considered further; and it was ordered to a third reading.

The House Bill facilitating procedures for grants of location in Metropolitan District Commission property (House, No. 3292) was read a second time; and it was ordered to a third reading.

The House Bill further regulating the filing of personal data systems notices (House, No. 3450) was read a second time. Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Forman of Plymouth, 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 bill was considered further; pending which, further consideration thereof was again postponed, on further motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

Mr. Voke of Chelsea being in the Chair,—the House Bill preventing disclosure of public employees' home addresses (House, No. 4358) was read a second time; and it was ordered to a third reading.

The House Bill relative to the penalties for killing, maiming or poisoning of an animal (House, No. 5599) was read a second time. Pending the question on ordering the bill to a third reading, Mr. Forman of Plymouth moved that it be amended in section 1 and also in section 4 by adding at the end thereof, in each instance, the following paragraph:

"The scope of these sections shall not apply to any biomedical research activity within institutions abiding by the Federal Animal Welfare Act and the Guide for the Use and Care of Laboratory Animals. This shall also include those institutions who are monitored under the department of public health who house dogs and cats and other sentient creatures."

The amendments were adopted; and the bill (House, No. 5599, amended) was ordered to a third reading.
The House Bill relative to including the role of African-Americans in school history curriculum (House, No. 5601) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Forman of Plymouth, 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 bill was considered further; and after debate it was ordered to a third reading.

The House report of the committee on Banks and Banking, ought NOT to pass, on so much of the recommendations of the Commissioner of Banks (House, No. 9) as relates to the receipt of deposits for transmittal to foreign countries (accompanied by bill, House, No. 17) was accepted. Sent to the Senate for concurrence.

House reports

Of the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, House, No. 2402) of Peter I. Blute relative to the servicing of automatic teller machines of banking institutions;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3686) of Philip Travis for legislation to regulate the acquisition of mutual bank holding companies;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3687) of Philip Travis for legislation to regulate distributions from the Share Insurance Fund by the Co-Operative Central Bank;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4041) of John F. Cox relative to electronic branches and electronic fund transfers; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4042) of John F. Cox relative to electronic branches and electronic fund transfers; Severally were accepted.

The House report of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 5489) of Richard T. Moore for legislation to further regulate prescription forms, was considered

Pending the question on acceptance of the report, the petition was recommitted, on motion of Ms. Buell of Greenfield.

The House report of the committee on Human Services and Elderly Affairs, ought NOT to pass, on so much the recommendations of the Executive Office of Communities and Development (House, No. 34) as relates to veterans of recent conflicts (accompanied by bill, House, No. 36) was accepted. Sent to the Senate for concurrence.
The House report of the committee on Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 5280) of William Constantino, Jr., for legislation to prohibit the distribution of condoms and birth control devices in the public schools, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mr. Constantino of Clinton, 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 report was considered further; and it was accepted.

The House report of the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 617) Mary Jeanette Murray relative to the management of solid waste and the abatement of pollution resulting therefrom, 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. Angelo of Saugus.

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 4206) of Stephen W. Doran, Lucile P. Hicks, Marianne Brenton and Robert A. Havern for legislation to provide for the distribution of the jet fuel tax collected at Lawrence G. Hanscom Field, was accepted.

The House report of the committee on Transportation, ought NOT to pass, on part of a message (as relates to section 15) from His Excellency the Governor recommending legislation relative to regulatory reform (House, No. 1999) was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mr. Forman of Plymouth, until after disposition of the remaining matters in the Orders of the Day.

Report of a Committee.

Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5581) returning with his disapproval of certain items and sections, reductions in certain items and parts of a certain item contained in the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5464), reports in part, recommending that, notwithstanding the objections of His Excellency, item 3722-9100 in section 2A stand (as passed by the General Court).
Under suspension of Rule 42, on motion of Mr. Finneran, the report was considered forthwith.

Item 3722-9100, which had been disapproved, was considered as follows:

"EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3722-9100 For a reserve for a grant program to be administered by the executive office of communities and development. Said executive office shall provide grants to cities and towns which have experienced severe public health and safety problems as a result of having a large number of abandoned buildings which must be demolished. In determining which municipalities shall receive a grant said executive office shall establish rules and regulations which take into account the municipality's inventory of abandoned buildings, the municipality's density of population per square mile, the number of fires per municipality during nineteen hundred and ninety-one, and the financial capacity of the municipality to demolish abandoned buildings using available revenues 5,000,000.

After debate, the question on passing item 3722-9100 in section 2A, notwithstanding the disapproval by His Excellency the Governor, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 115 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 126 in Supplement.]

Therefore item 3722-9100 in section 2A stands, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Subsequently Mr. Miceli of Wilmington 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. Miceli 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 tomorrow at eleven o'clock A.M.
Mr. Miceli of Wilmington then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before three o’clock P.M. (Mr. Voke of Chelsea being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M.
Tuesday, May 12, 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:

All-powerful God, we believe in You and in Your personal interest in our physical and spiritual well-being. Strengthen our faith in You and in each other. By using our talents and gifts wisely, help us to achieve our personal goals and to keep our ultimate goal in focus. Grant us the will and enthusiasm to unite constituents and colleagues in pursuing and endorsing public policy which enhances human dignity, inspires good citizenship and encourages the practice of traditional values.

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 Ms. Gardner of Holliston) congratulating Dr. Savino J. Placentino on the occasion of his retirement as Superintendent of the Holliston Public Schools;
- Resolutions (filed by Mr. Pacheco of Taunton) honoring Elsie Littlefield;
- Resolutions (filed by Mr. Pacheco of Taunton) on the thirtieth anniversary of Marian Manor; and
- Resolutions (filed by Mrs. Parente of Milford) on the occasion of Appreciation Week at Blaire House of Milford;

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. Pacheco, 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. Brewer of Barre) congratulating the members of the crew of the U.S.S. Smalley (DD-565) on the occasion of their reunion;
- Resolutions (filed by Mr. Hodgkins of Lee) commending Chief Frank Smith on the occasion of his retirement from the Sheffield Volunteer Fire Department;
- Resolutions (filed by Representatives Menard of Somerset, Correia of Fall River, Herren of Fall River, Lambert of Fall River

"Communicate: Health '92" Day.
and Travis of Rehoboth) on the occasion of "Communicate: Health '92" Day in the greater Fall River community;

Resolutions (filed by Representatives Murray of Cohasset, Haley of Weymouth, Hynes of Marshfield, Kraus of Kingston, Mann of Hanson, Mariano of Quincy, O'Brien of Hanover and Sullivan of Abington) on the observance of South Shore Hospital Day, by the South Shore Hospital; and

Resolutions (filed by Mr. Pacheco of Taunton) on the rededication of the Greenhouse at Taunton State Hospital on its seventy-fifth anniversary;

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. Brewer, 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 Representatives Mcintyre of New Bedford, Cabral of New Bedford, Gonsalves of Dartmouth, Hildt of Amesbury, Hynes of Marshfield, Koczera of New Bedford, Lambert of Fall River, Palumbo of Newbury, Tarr of Gloucester and Turkington of Falmouth) urging the New England Fisheries Management Council to rewrite its conservation proposal so that it better balances the need for conservation with economic rationality, 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. Mcintyre, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and after debate they were adopted.

Order.

The following order (filed this day by Mr. Businger of Brookline) was adopted, as follows:

Ordered, That the House of Representatives hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering the following proposals for legislative amendments to the Constitution:

Proposal for a Legislative Amendment to the Constitution providing the abolishing of durational residence requirements for voting (see House, No. 4472), with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass.

Proposal for a Legislative Amendment to the Constitution providing for the repeal of the requirement that a person be able to read English and write his name in order to vote (see House, No. 4473), with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass.
Proposal for a Legislative Amendment to the Constitution providing for a fifty-six member Senate (see House, No. 4515), with reference to which the committee on the Judiciary has reported recommending that the amendment ought NOT to pass.

Petsitions.

Petitions severally were presented and referred as follows:

By Mr. Scibelli of Springfield, petition (accompanied by bill, House, No. 5635) of Robert T. Markel (mayor) and Anthony M. Scibelli (with the approval of the mayor and city council) relative to the board of licensing commissioners in the city of Springfield. To the committee on Government Regulations.

By Mrs. Murray of Cohasset, petition (accompanied by bill, House, No. 5636) of Mary Jeanette Murray (by vote of the town) relative to the position of town manager in the town of Hull. To the committee on Local Affairs.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Connolly of Everett, petition (subject to Joint Rule 12) of Jennifer L. Miller and Edward G. Connolly relative to the use of alternative fuels in the operation of motor vehicles.

By Mrs. Kehoe of Dedham, petition (subject to Joint Rule 12) of Marie-Louise Kehoe, Christopher M. Lane and Gregory W. Sullivan for legislation to establish a sick leave bank for Probation Officer Daniel Griffin, an employee of the Boston Municipal Court. Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill exempting former prisoners of war from parking fees and fines (Senate, No. 1349) (reported on a petition), 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.

The Senate Bill authorizing the Commissioner of the Division of Capital Planning and Operations to acquire a certain parcel of land in the West Roxbury section of the city of Boston (Senate, No. 1499) came from the Senate with the endorsement that it had been referred by said branch to the committee on Natural Resources and Agriculture; and the House concurred in the reference.

Reports

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

Of the petition (accompanied by bill, Senate, No. 471) of Lois G. Pines and Barbara Hildt for legislation to establish a breast cancer detection program; and

Of the petition (accompanied by bill, Senate, No. 1422) of James P. Jajuga for legislation to establish a pilot program for the exchange of needles; and
Of the committee on the Judiciary, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 716) of L. Scott Harshbarger, Attorney General, Frederick E. Berry, William R. Keating and Thomas P. Walsh for legislation to revise the laws affecting the compensation of victims of violent crime;

Of the petition (accompanied by bill, Senate, No. 723) of Robert C. Buell, Burnham Riggs, Frank Baskin and Bruce E. Tarr for legislation relative to the awarding of costs and expenses in cases concerning the reporting of abuse, mistreatment or neglect of patients or residents in certain facilities;

Of the petition (accompanied by bill, Senate, No. 741) of Paul D. Harold, Thomas F. Reilly, Middlesex County District Attorney, Stanley C. Rosenberg and Nancy Achin Sullivan for legislation to amend the laws relative to the operation of certain watercraft;

Of the petition (accompanied by bill, Senate, No. 747) of Robert A. Havern, Nancy Achin Sullivan, Michael LoPresti, Jr., and Arthur E. Chase for legislation relative to the compensation of victims of violent crimes;

Of the petition (accompanied by bill, Senate, No. 758) of James P. Jajuga, Charles E. Shannon, Brian S. Dempsey and Paul E. Caron for legislation relative to victim and witness fees;

Of the petition (accompanied by bill, Senate, No. 764) of William R. Keating, John F. Cox, Frederick E. Berry, Larry F. Giordano, James T. Brett, Thomas P. Walsh, Michael P. Walsh and Peter J. Larkin for legislation relative to restricting proceeds received by criminals as a result of notoriety achieved through the commission of a crime;

Of the petition (accompanied by bill, Senate, No. 794) of Michael LoPresti, Jr., for legislation relative to the remittance of fines collected by jailers and superintendents of houses of correction; and

Of the petition (accompanied by bill, Senate, No. 846) of Thomas C. Norton for legislation to amend the lis pendens statute to apply to Department of Public Utilities proceedings affecting title to land;

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

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committees.

A petition of James P. Jajuga for legislation to make certain corrections to a certain retirement allowance, 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. 1568) was referred, in concurrence, to the committee on Public Service.

Notice was received that the Senate had called the following proposals for legislative amendments to the Constitution for consideration in a joint session of the two houses, conformably
to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution:

Proposal for a legislative amendment to the Constitution relative to the rights of crime victims (Senate, No. 512), with reference to which the committee on the Judiciary has recommended the said amendment ought to pass.

Proposal for a legislative amendment to the Constitution to limit the annual session of the General Court to a period of six months (Senate, No. 811), with reference to which the committee on the Judiciary has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution to limit the annual sessions of the General Court to a period of seven months (Senate, No. 1151), with reference to which the committee on the Judiciary has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution to limit the annual sessions of the General Court to a period not exceeding seven months (Senate, No. 648), with reference to which the committee on the Judiciary has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution relative to the qualifications of judicial officers and the vacating of office upon disbarment (Senate, No. 662), with reference to which the committee on the Judiciary has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution to provide for the abolition of the Council and the appointment of certain officers by the Governor with the consent of the Senate (Senate, No. 908), with reference to which the committee on the Judiciary has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution to limit the property tax for persons over the age of sixty-five (Senate, No. 1390), with reference to which the committee on Taxation has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution removing the right to vote by persons confined in penal institutions (Senate, No. 141), with reference to which the committee on Election Laws has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution limiting terms of office of Senators, Representatives and Constitutional Officers (Senate, No. 114), with reference to which the committee on Election Laws has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution abolishing the Governor's Council (Senate, No. 396), with reference to which the committee on the Judiciary has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution banning the imposition of unfunded state mandates unless enacted by a two-thirds vote, taken by yeas and nays, of each branch of the General
Court (Senate, No. 1363), with reference to which the committee on Local Affairs has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution limiting the annual session of the General Court to a period of six months (Senate, No. 351), with reference to which the committee on the Judiciary has recommended the said amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution restricting the increase in taxes (House, No. 5416), with reference to which the committee on Taxation has recommended the said amendment ought NOT to pass.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Charles W. Mann and Edward P. Kirby (by vote of the town) relative to the operation of the water supply system of the town of Hanson. Under suspension of Rule 42, on motion of Mr. Mann of Hanson, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs. 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 Jennifer Nazzaro, Daniel Relihan and William F. Cass relative to the state flag. Under suspension of Rule 42, on motion of Mr. Cass of Wakefield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

By Ms. Bump of Braintree, for the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5396) of Anthony M. Scibelli that the City Library Association of Springfield be authorized to charge admission fees for certain museums, — and recommending that the same be referred to the committee on Local Affairs. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Rushing of Boston, for the committee on Local Affairs, on Senate, No. 877 and House, Nos. 1347, 2117 and 3960, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain Senate and House documents concerning development impact fees in cities and towns (House, No. 5617).

By the same member, for the same committee, on Senate, No. 886 and House, Nos. 603, 1343, 1538, 2114, 2116, 2118, 2119, 2852, 3062,
3410, 3412, 3619, 3620, 3621 and 3762, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain Senate and House documents concerning time limitations, appeals, the protection of permits and other related matters under zoning ordinances and by-laws in cities and towns (House, No. 5618).

By the same member, for the same committee, on Senate, No. 889, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of a certain Senate document providing assistance for the recovery of financially distressed cities and towns (House, No. 5619).

By Mr. Hodgkins of Lee, for the committee on State Administration, on Senate, Nos. 1128, 1129, 1130, 1131, 1132, 1138, 1159, 1160, 1164, 1170, 1174, 1175, 1181, 1186, 1193, 1196, 1207 and 1210 and House, Nos. 42, 44, 231, 249, 436, 437, 816, 818, 820, 823, 1227, 1597, 1598, 1602, 1798, 1988, 2200, 2203, 2376, 2377, 2551, 2552, 2724, 2726, 2728, 3438, 3441, 3448, 3451, 3455, 3655, 3664, 3795, 3816, 3988, 4182, 4187, 4361, 4363, 4366, 4367, 4595, 4596, 4598, 4602, 4603, 4790, 4792, 4793, 4960, 5124 and 5250, an Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the administration and operation of various agencies, boards, commissions and authorities of the Commonwealth and political subdivisions thereof (House, No. 5620).

By the same member, for the same committee, on Senate, Nos. 1136 and 1204 and House, Nos. 72, 73, 216, 223, 225, 226, 227, 229, 230, 431, 432, 433, 435, 644, 650, 651, 652, 653, 817, 822, 826, 827, 828, 1020, 1221, 1229, 1986, 1987, 1989, 1999 (as relates to sections 3, 4 and 16), 2195, 2196, 2722, 2733, 2738, 2739, 3439, 3653, 3797, 4789 and 5122, an Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the public construction laws of the Commonwealth (House, No. 5621).

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

By Mr. Caron of Springfield, for the committee on Public Safety, on House, Nos. 183 and 210, a Resolve providing for an investigation and study by a special commission relative to the feasibility of establishing mandatory fire training in the Commonwealth (House, No. 210). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mrs. Kehoe of Dedham, for the committee on State Administration, on a petition, a Bill relative to reimbursement to cities and towns (House, No. 2899). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Serra of Boston, for the committees on Rules of the two branches, acting concurrently, that the Bill to strengthen workforce
literacy (House, No. 83) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. DiMasi of Boston, for the committee on the Judiciary, on House, No. 4695, a Bill allowing the court or justice to adjourn an examination or trial for up to thirty days in Essex County (House, No. 5622).

By Mr. Caron of Springfield, for the committee on Public Safety, on a petition, a Bill relative to the issuance of non-commercial "combination" license plates to certain motor vehicles (House, No. 1191).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill to protect public employee pension securities and investments (House, No. 5375).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land and easement in the town of Plymouth to Hector E. Patenaude and Jean W. Patenaude and Margaret W. Stacy (House, No. 4953).

By Mr. Karol of Attleboro, for the committee on Transportation, on House, No. 4035, a Bill requiring the Secretary of the Executive Office of Transportation and Construction to report quarterly the activities of the Central Artery and third harbor tunnel project (House, No. 5623).

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

By Mr. Moore of Uxbridge, for the committee on Election Laws, on a petition, a Bill further regulating the arrangement of names on ballots in municipal elections (House, No. 4849).

By Mr. DiMasi of Boston, for the committee on the Judiciary, on House, Nos. 183 and 193, a Bill relative to the imposition and execution of criminal sentences (House, No. 193).

By the same member, for the same committee, on a petition, a Bill relative to a certain employee of the Trial Court (House, No. 377).

By the same member, for the same committee, on Senate, No. 734 and House, No. 587, a Bill establishing a second assistant register to the Plymouth County register of deeds (House, No. 587).

By the same member, for the same committee, on a petition, a Bill relative to aircraft liens (House, No. 591).

By the same member, for the same committee, on a petition, a Bill relative to the report on the forfeiture of property (House, No. 1625, changed by striking out, in lines 7 and 8, the words "house and senate committees on counties" and inserting in place thereof the words "joint committee on the judiciary").

By the same member, for the same committee, on a petition, a Bill relative to the purchase of alcohol for minors (House, No. 1711).

By the same member, for the same committee, on a petition, a Bill relative to the possession of certain weapons (House, No. 1722).
By the same member, for the same committee, on a petition, a Bill relating to notice on foreclosure sales (House, No. 2494).

By the same member, for the same committee, on House, Nos. 3383, 3939 and 4902, a Bill to amend certain provisions of the General Laws relating to mechanics liens for labor and materials (House, No. 3383).

By the same member, for the same committee, on a petition, a Bill on appellate jurisdiction (House, No. 3387).

By the same member, for the same committee, on a petition, a Bill relative to the examination of jurors (House, No. 3933).

By the same member, for the same committee, on House, Nos. 588, 589, 3936 and 3957, a Bill relative to court escrow accounts (House, No. 3936).

By the same member, for the same committee, on a petition, a Bill relative to the equitable distribution of marital estates (House, No. 3952).

By the same member, for the same committee, on a petition, a Bill relative to arrest after failure to appear on recognizance (House, No. 4272).

By the same member, for the same committee, on House, Nos. 5070 and 5071, a Bill to assist victims of violent crimes (House, No. 5070).

By the same member, for the same committee, on a petition, a Bill repealing certain statutory foreclosure of mortgage provisions to defer to the provisions of the federal Soldiers' and Sailors' Civil Relief Act of 1940 (House, No. 5190).

By Mr. Caron of Springfield, for the committee on Public Safety, on House, Nos. 183 and 196, a Bill relative to statutory good time (House, No. 196).

By the same member, for the same committee, on House, Nos. 183 and 213, a Bill further regulating alcohol use by minors (House, No. 213).

By the same member, for the same committee, on a petition, a Bill further regulating the suspension of motor vehicle licenses for refusal to submit to a test for blood alcohol content (House, No. 407).

By the same member, for the same committee, on a petition, a Bill providing for the forfeiture of the motor vehicles of persons who are convicted of operating a motor vehicle after suspension of license (House, No. 3639).
By the same member, for the same committee, on a petition, a Bill repealing certain provisions preempted by the motor vehicle title law (House, No. 5287).

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

Emergency Measure.

The engrossed Bill relative to equal educational opportunity grants (see Senate, No. 1475, 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 13 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 Senate) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed Bills

Engrossed bills
Designating a certain rest area in the town of Wareham as the Reginald F. Washburn Memorial Rest Area (see House, No. 222);
Designating the traffic island at the intersection of Route 193 and exit one of Interstate 395 in the town of Webster as the Anthony Dauksz Memorial Square (see House, No. 4620); and
Relative to recreation and park self-supporting service revolving funds (see House, No. 5539);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill authorizing the town of Sherborn to permit the use of certain town land for a communication system (printed in Senate, No. 1459), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills
Relative to the liability of rowing associations (House, No. 765);
Relative to the powers of a guardian or conservator (House, No. 1167); Relative to the operation of farm equipment on public ways (House, No. 2870);
Designating the maintenance building of the Blackstone River and Canal Heritage State Park as the Honorable P. Eugene Casey Memorial Building.
Memorial Building (House, No. 3656) (its title having been changed by the committee on Bills in the Third Reading);

Providing medical coverage for secondary school athletics (House, No. 4424) (its title having been changed by the committee on Bills in the Third Reading);

Designating a portion of the Blackstone River and Canal Heritage State Park in the town of Uxbridge as the Grace Ballou Picnic Area (House, No. 4606) (its title having been changed by the committee on Bills in the Third Reading);

Further regulating the issuing of a certain registration number by the Board of Registration of Sanitarians (House, No. 4869); and

Designating a certain bridge in the city of Attleboro as the Firefighter Richard A. Simkins Memorial Bridge (House, No. 5504);

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

The House Bill further regulating the filing of personal data systems notices (House, No. 3450) was ordered to a third reading.

House bills
Concerning management of "The James P. Cahen Medical Fund" (printed as Senate, No. 1467);
Authorizing counties to issue refunding bonds and notes (House, No. 884);
To allow the county commissioners to receive real estate appeals fees (House, No. 1645);
Relative to throwing or dropping objects on a public way (House, No. 1648);
Relative to the examination of accounts of county treasurers and registries of deeds (House, No. 2786);
Relative to informing tenants of the quality of the drinking water (House, No. 4878);
To empower the Boston Fair Housing Commission to enforce by judicial power the provisions of Title VIII and impose civil penalties (substantial equivalency) (House, No. 5404);
Relative to sanding rights in the town of Falmouth (printed in House, No. 5465);
Relative to certain elections (House, No. 5518);
To further regulate the penalty for entering a dwelling house in the nighttime and breaking and entering in the daytime (House, No. 5611);
Relative to consumption of alcohol by persons under the age of twenty-one (House, No. 5612); and
Relative to college credit for courses in American sign language (House, No. 5613);
Severally were read a second time; and they were ordered to a third reading.
House reports

Of the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, House, No. 908) of Robert Correia for legislation to further define cable television;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1685) of Angelo M. Scaccia and another relative to the registration of certain corporations conducting the business of home improvement renovations and alterations;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1878) of Marie-Louise Kehoe, Andrew Collaro, Robert M. Koczera, Walter A. DeFilippi, Shannon P. O'Brien and Raymond A. Jordan, Jr., relative to the membership of the Board of Registration of Cosmetology;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3158) of Larry F. Giordano, Richard T. Moore and James P. Jajuga for legislation to authorize sports pool wagering on professional football games;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3579) of Marc R. Pacheco relative to rates governing cellular telephone service providers; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4087) of Carmen D. Buell, Robert D. Wetmore, Stanley C. Rosenberg and Daniel E. Bosley relative to authorizing the retail sale of alcoholic beverages not to be drunk on the premises on certain Sundays in Franklin County;

Of the committee on Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 4143) of Eric Turkington and another relative to the management of solid waste and the abatement of pollution resulting therefrom;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 409) of M. Joseph Manning relative to further regulating armored car services;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 416) of Bud Nugent for legislation to regulate the wearing of headgear for operators and passengers of motorcycles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 621) of Cynthia Betters for legislation to further regulate the height requirements on certain motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1013) of Christopher C. Kyprianos relative to the safe operation of motorcycles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1759) of Peter J. Larkin for legislation to further regulate the height requirements on certain motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2144) of Alvin E. Thompson, Gloria L. Fox, Bill Owens and Shirley Owens-Hicks relative to the
public disclosure of criminal offenses committed at educational institutions; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2869) of Dale Gibson relative to the wearing of helmets for operators and passengers on motorcycles; and

Of the committee on State Administration, ought NOT to pass, on the petition (accompanied by bill, House, No. 1034) of AFSCME Council 93 and Emanuel G. Serra for legislation to prohibit the imposition of parking fees upon employees of the Commonwealth at institutions of higher education;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1231) of Kevin O'Sullivan for legislation to prohibit the printing of names of state officers in reports and other publications issued by the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1794) of William P. Nagle, Jr., relative to works of art and certain payments to artists;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3658) of Marc R. Pacheco relative to audits performed by the State Auditor; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4954) of Frank M. Hynes relative to members of state committees of political parties under the laws regulating the conduct of public employees;

Severally were accepted.

Recess.

At fourteen minutes after eleven o'clock A.M., on motion of Ms. Tracy of Boston, the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order.

The House Bill designating Route 6A as a scenic road (House, No. 5392), 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. Klimm of Barnstable moved that it be amended by striking out, in lines 4 and 5, the following: “The planning boards of each town within Barnstable county abutting said Route 6A” and inserting in place thereof the following: “The Old King's Highway Regional Historic District Committee of each town within Barnstable county abutting said Route 6A and in such towns within Barnstable county abutting said Route 6A not having such committee the planning board”.

The amendment was adopted; and after remarks the bill, as amended, 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. 5392, amended) then was sent to the Senate for concurrence.
The House Resolutions 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. 5616), reported by the committee on Bills in the Third Reading to be correctly drawn, were considered.

Pending the question on adoption of the resolutions, Mr. Hynes of Marshfield moved that they be amended by inserting after the word “Laws;”, in line 70, the words “provided, however, the commissioner shall cause this data to be computerized and made available as immediately as possible;”. The amendment was adopted.

After debate on the question on adoption of the resolutions, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Finneran of Boston; and on the roll call 145 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 127 in Supplement.]

Therefore the resolutions (House, No. 5616, amended) were adopted. Sent to the Senate for concurrence.

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

MADAM SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber due to being unavoidably detained at a speaking engagement in my district. Had I been present when the vote was taken, I would have voted in the affirmative.

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

The House Bill to include AIDS HIV prevention education in the health education curriculum of the public schools (House, No. 2800) was considered, the main question being on ordering it to a third reading.

The amendment previously offered by Ms. Buell of Greenfield, — that the bill be amended by inserting after the word “Education,”, in line 10, the words “and in consultation with the department of public health,”, — was adopted.

Mr. Teague of Yarmouth then moved that the bill be amended by striking out, in line 8, the following: “AIDS/ HIV” and by striking out, in the title, the following: “AIDS HIV” and inserting in place thereof, in each instance, the words “communicable diseases”.

Pending the question on adoption of the amendments, and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Herren of Fall River, 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 subject matter was considered further.

After debate on the question on adoption of the amendments offered by Mr. Teague of Yarmouth (Mrs. Menard of Somerset 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 16 members voted in the affirmative and 133 in the negative.

[See Yea and Nay No. 128 in Supplement.]

Therefore the amendments were rejected.

There being no objection, — Representatives Buell of Greenfield, Hildt of Amesbury and Rushing of Boston moved that the bill be amended by inserting before the word “prevention”, in line 9 and also in the title, the words “and other communicable diseases”.

The amendments were adopted; and the bill (House, No. 2800, amended) was ordered to a third reading.

The House report of the committee on Transportation, ought NOT to pass, on part of a message from His Excellency the Governor (as relates to section 15) recommending legislation relative to regulatory reform (House, No. 1999) was accepted. Sent to the Senate for concurrence.

The House Bill requiring the vaccination of cats (House, No. 5610) was read a second time; and it was ordered to a third reading.

House bills

- Relative to the cost of Medicare and F.I.C.A. taxes imposed upon cities, towns and districts for certain municipal employment (House, No. 5614); and
- Authorizing the placing of certain liens on properties for guilty violations of certain state codes (House, No. 5615);

Severally were read a second time.

Pending the question, in each instance, on ordering the bill to a third reading, further consideration thereof was postponed, on motions of Mrs. McKenna of Holden, 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 bills severally were considered further; and they were ordered to a third reading.

The House report of the committee on Public Safety, ought NOT pass, on the petition (accompanied by bill, House, No. 3428) of Pamela P. Resor and Robert A. Durand for legislation to further regulate railroad warning devices at certain grade crossings, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Caron of Springfield.

The House report of the committee on State Administration, ought NOT to pass, on so much of the recommendations of the Department of Mental Health (House, No. 163) as relates to allowing certain persons to serve on mental health advisory committees (accompanied by bill, House, No. 167) was accepted. 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. 439) of Mary
Jeanette Murray for legislation to designate English as the official
language of the Commonwealth; and

Of the same committee, ought NOT to pass, on the petition
(accompanied by bill, House, No. 4597) of John A. Businger relative
to the authority of the office of the State Auditor to declare certain
laws or rules or regulations not to be effective in cities or towns;
Severally were accepted.

Reconsideration.

Before proceeding to consideration of the matters in the Orders
of the Day, Mr. Constantino of Clinton moved that the vote be
reconsidered by which the House, at the preceding sitting, accepted
the House report of the committee on the Judiciary, ought NOT
to pass, on the petition (accompanied by bill, House, No. 5280) of
William Constantino, Jr., for legislation to prohibit the distribution
of condoms and birth control devices in the public schools; and the
motion to reconsider prevailed.

Pending the recurring question on acceptance of the report,
further consideration thereof was postponed, on motion of the same
member, 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 report was considered further.

Pending the question on acceptance of the report, Mr. Constantino
moved that it be amended by substitution of the Bill prohibiting the
distribution of condoms and birth control devices in the public
schools (House, No. 5280), which was read.

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. Constantino; and on the
roll call 9 members voted in the affirmative and 140 in the negative.

[See Yea and Nay No. 129 in Supplement.]

Therefore the amendment was rejected; and the report was
accepted.

Order.

On motion of Mr. Karol of Attleboro, —

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

At nine minutes before three o'clock P.M., on motion of
Mr. Haley of Weymouth (Mr. Serra of Boston being in the Chair),
the House adjourned, to meet tomorrow 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 open our hearts and minds to You in prayer. In Your goodness, watch over and guide us this day as we make our legislative and personal decisions. As elected officials, grant us the patience to listen to the suggestions and insights of others in our effort to enact rational and relevant legislation for these complex times. Inspire us to be leaders who comprehend the political and economic realities of the day. Despite our human frailties, help us to do what is reasonable, ethical and just to make our communities peaceful, safe and welcoming to all.

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

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

Statement of Representative Hodgkins of Lee.

During consideration of the Orders of the Day, Mr. Hodgkins of Lee 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 for a portion of the sitting of Monday last due to being involved in my district in an effort to save seventy-five jobs within the manufacturing community. Had I been present for the call of the yeas and nays on roll call numbers 124 and 126, I would have been recorded in the affirmative; and on roll call number 125, I would have been recorded in the negative.

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

Statement Concerning Representative McIntyre of New Bedford.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative McIntyre of New Bedford, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.
Mr. Voke then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Resolutions.

Resolutions (filed with the Clerk by Speaker Flaherty of Cambridge and Mr. Finneran of Boston) forecasting the amount of tax revenue for fiscal year nineteen hundred and ninety-three, were referred, under Rule 85, to the committee on Rules.

Mrs. Menard of Somerset, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of Rule 41, on motion of Mr. Finneran, 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 Speaker Flaherty of Cambridge and Representatives Cohen of Newton and Schur of Newton) congratulating the Honorable Theodore D. Mann on the occasion of his seventieth birthday, were referred, under Rule 85, to the committee on Rules.

Mrs. Menard of Somerset, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of Rule 41, on motion of Mr. Cohen, 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 Messrs. Cahir of Bourne, Klimm of Barnstable, Lawless of Orleans, Teague of Yarmouth and Turkington of Falmouth) memorializing the Congress of the United States to record the opposition of the Massachusetts General Court to the reauthorization of the Safe Drinking Water Act amendment mandates on the grounds that its provisions will have a devastating economic impact on Massachusetts water utility owners and ratepayers alike;

Resolutions (filed by Mr. Cox of Lowell) congratulating Reinoldy Burgess on the occasion of her one hundredth birthday;

Resolutions (filed by Messrs. Koczera of New Bedford, Cabral of New Bedford and McIntyre of New Bedford) congratulating Mr. and Mrs. Joseph D. Saulnier on the occasion of their sixtieth wedding anniversary;

Resolutions (filed by Mr. Mann of Hanson) congratulating Michael J. Regan on the occasion of his retirement as Moderator in the town of Hanson; and

Resolutions (filed by Mr. Manning of Milton) congratulating James J. Collins on being named “Democrat of the Year” by the Milton Democratic Town Committee;

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

Orders.

The following order (filed this day by Mr. Moore of Uxbridge) was adopted, as follows:

Ordered, That the House of Representatives hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering the following proposal for a legislative amendment to the Constitution:

Proposal for a Legislative Amendment to the Constitution providing for a mainstream agenda to insure the rights of victims of crime in the commonwealth (see House, No. 4904), with reference to which the committee on the Judiciary has reported recommending that the amendment ought to pass.

The following order (filed this day by Mr. Lionett of Worcester) was adopted, as follows:

Ordered, That the House of Representatives hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution for the purpose of considering the following proposal for a legislative amendment to the Constitution:

Proposal for a Legislative Amendment to the Constitution regulating the budget of the Commonwealth (see House, No. 4989), with reference to which the joint committee on Ways and Means has reported recommending that the amendment ought NOT to pass (under Joint Rule 23).

Annual, Quarterly and Special Reports.

The annual report of the Appellate Tax Board (under Section 4 of Chapter 58A of the General Laws) for the fiscal year ending June 30, 1991; and

Reports

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 March, 1992; and

Of the Bureau of Special Investigations (submitted under authority of Section 30T(6) of Chapter 7 of the General Laws) for the month of April, 1992;

Severally sent to the Senate for its information.

Unemployment Compensation Trust Fund.

The quarterly report of the Department of Employment and Training (under Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Compensation Trust Fund; and
The annual report of the Massachusetts Art Commission (submitted under Sections 19 and 20 of Chapter 6 of the General Laws) for the year ending June 30, 1991; Severally placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Teague of Yarmouth, petition (accompanied by bill, House, No. 5643) of Edward B. Teague III and Henri S. Rauschenbach (by vote of the town) for legislation to authorize the town of Yarmouth to appropriate a certain deficit over a period of years; and

By Mrs. Walrath of Stow, petition (accompanied by bill, House, No. 5644) of Patricia A. Walrath and Robert A. Durand (by vote of the town) for legislation to authorize the town of Hudson to erect a music shell in Wood Park in said town;

Severally to the committee on Local Affairs.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Reports

Of the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 261) of Jane M. Swift, Daniel E. Bosley, Peter J. Larkin and Christopher J. Hodgkins for legislation relative to a capital outlay program for Berkshire Community College; and

Of the committee on Housing and Urban Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 526) of Richard R. Tisei and Paul C. Casey for legislation relative to local reimbursement for land under control of the Metropolitan District Commission;

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

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committees.

A petition (accompanied by bill, Senate, No. 1567) of Robert A. Durand and Geoffrey D. Hall (by vote of the town) for legislation to authorize the granting of certain easements in the town of Harvard, 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 Marian Walsh relative to the licensing and regulation of check cashers. To the committee on Banks and Banking.

Petition (accompanied by bill) of Frank M. Hynes and Bruce E. Tarr relative to the licensing of private detectives. To the committee on Insurance.

Petition (accompanied by bill) 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. To the committee on Local Affairs.

Petition (accompanied by bill) of Augusta Hornblower that the Division of Capital Planning and Operations be authorized to convey certain easements in the towns of Groton and Pepperell. To the committee on State Administration.

Under suspension of Rule 42, on motion of Ms. Walsh 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. Jordan of Springfield, for the committee on Housing and Urban Development, on House, Nos. 2077 and 4675, an Order relative to the appointment of a joint special committee to make an investigation and study of the impact of rent on the affordability of mobile and manufactured housing (House, No. 2077, changed by striking out, in line 17, the word “ninety-one” and inserting in place thereof the word “ninety-two”).

By Mr. Caron of Springfield, for the committee on Public Safety, onSenate, Nos. 985, 993, 1002, 1033, 1039, 1045, 1046 and 1051 and House, Nos. 406, 410, 412, 619, 624, 625, 629, 630, 799, 801, 1009, 1015, 1188, 1190, 1195, 1196, 1365, 1564, 1566, 1757, 1964, 2131, 2349, 2356, 2523, 2864, 3073, 3078, 3243, 3246, 3247, 3634, 3774, 3775, 3778, 3971, 3973, 3975, 4145, 4149, 4574, 4575, 4576, 4744, 4745, 4964, 4746, 4748, 4922, 4924, 4929, 4931, 5099, 5100, 5101 and 5102, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents concerning the issuance of motor vehicle registration plates, the operation and administration of the Registry of Motor Vehicles and other related matters (House, No. 5637).

By Mr. Karol of Attleboro, for the committee on Transportation, on Senate, No. 1343 and House, Nos. 1245 and 2023, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain Senate and House documents concerning construction jobs, access for elderly and disabled persons to public transportation and parking during the construction of the Central Artery (House, No. 5638).

By the same member, for the same committee, on Senate, Nos. 1339, 1347, 1354, 1355, 1356 and 1357 and House, Nos. 485, 486, 487, 489, 1432, 1824, 2025, 2582, 2754, 2755, 3483, 4216, 4394 and 4396, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain Senate
and House documents concerning the administration of the Massachusetts Bay Transportation Authority (House, No. 5639).

By the same member, for the same committee, on Senate, Nos. 1341, 1359, 1361, 1364 and 1366 and House, Nos. 124, 133, 134, 482, 864, 1060, 1433, 1620, 1621, 1821, 1822, 1823, 2024, 2401, 3316, 4036, 4038, 4395, 4397, 4398, 4399, 4619, 4980, 4984, 4986, 4987, 4988, 5139 and 5140, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain Senate and House documents concerning the Department of Highways and other related matters (House, No. 5640).

By the same member, for the same committee, on House, No. 3680, an Order relative to authorizing the committee on Transportation to make an investigation and study of a certain House document concerning the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (House, No. 5641).

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

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on a petition, a Bill authorizing county resource commissioners and the Department of Environmental Quality Engineering to establish, operate, maintain and control facilities for energy resource recovery and for the collection, transfer, processing, and disposal of solid waste (House, No. 776). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Miss O'Brien of Easthampton, for the committee on Counties, on a petition, a Bill relative to county excise tax (House, No. 2925).

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on House, Nos. 608 and 4912, a Bill relative to the suppression of bee diseases within the Commonwealth (House, No. 608).

By the same member, for the same committee, on a petition, a Bill providing for a study of lake and pond management policy (House, No. 963).

By the same member, for the same committee, on a petition, a Bill relative to waterways (House, No. 1183).

By the same member, for the same committee, on a petition, a Bill requiring licensing or certification of pesticide applicators (House, No. 1185).

By the same member, for the same committee, on House, Nos. 1548 and 3415, a Bill relative to the registration, inspection, construction and reconstruction of dams (House, No. 1548).

By the same member, for the same committee, on a petition, a Bill to establish areas of critical scenic preservation and to provide for the acquisition of development rights therefor (House, No. 2127).

By the same member, for the same committee, on House, Nos. 974 and 4536, a Bill to amend the Massachusetts contingency plan (House, No. 4536).
By the same member, for the same committee, on a petition, a Bill relative to the collection, transportation, storage, treatment, and disposal of infectious waste (House, No. 4540).

By the same member, for the same committee, on a petition, a Bill further protecting the natural resources of the Commonwealth (House, No. 4544).

By the same member, for the same committee, on House, No. 1959, a Bill establishing a model water and sewer commission and defining the powers thereof (House, No. 5642).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill authorizing and directing the State Retirement Board to recalculate the pension of Ellen Schiff (House, No. 5346).

By Ms. Kerans of Danvers, for the same committee, on a petition, a Bill authorizing the state retirement board to grant a certain pension to Beverly Boyle (House, No. 2712).

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

Engrossed Bill.

The engrossed Bill relative to the Martha's Vineyard Commission (see Senate, No. 890) (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 acting Speaker and sent to the Senate.

Orders of the Day.

Senate bills
Designating a certain intersection in the town of Avon as the Warren L. Edwards Memorial Square (Senate, No. 1510, changed); and
Validating certain actions taken at a special town meeting of the town of Salisbury allowing said town to amortize a portion of its deficit (Senate, No. 1511) (its title having been changed by the committee on Bills in the Third Reading);
Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills
Relative to student admissions based on collective bargaining agreements (House, No. 1655);
Relative to curriculum requirements (House, No. 3700);
Further regulating license fees for dogs (House, No. 4815, changed);
Relating to leaves of absence for teachers (House, No. 5169);
Authorizing the establishment of residents only parking areas in the city of Northampton (House, No. 5439) (its title having been changed by the committee on Bills in the Third Reading); and
Directing the Superintendent of State Office Buildings to install and maintain a plaque to honor the lasting contributions of General Marquis de Lafayette and the Franco-American community (House, No. 5602);

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

The Senate Bill exempting former prisoners of war from parking fees and fines (Senate, No. 1349); and

House bills
Relative to the imposition and execution of criminal sentences (House, No. 193);
Relative to statutory good time (House, No. 196);
Relative to a certain employee of the Trial Court (House, No. 377);
Establishing a second assistant register to the Plymouth County Register of Deeds (House, No. 587);
Relative to aircraft liens (House, No. 591);
Further regulating the collection of out of state parking fines (House, No. 1367);
Relative to the report on the forfeiture of property (House, No. 1625, changed);
Relative to the purchase of alcohol for minors (House, No. 1711);
Relative to the penalties for driving an uninsured vehicle (House, No. 3332);
Providing for the forfeiture of the motor vehicles of persons who are convicted of operating a motor vehicle after suspension of license (House, No. 3639);
Relative to the equitable distribution of marital estates (House, No. 3952);
Relative to arrest after failure to appear on recognizance (House, No. 4272);
Further regulating the arrangement of names on ballots in municipal elections (House, No. 4849); and
To assist victims of violent crimes (House, No. 5070);
Severally were read a second time; and they were ordered to a third reading.

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 (striking out section 3, inserted by amended by the House, and inserting in place thereof the following section:

"SECTION 3. Said section 37A of said chapter 53, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The officers processing absentee ballots shall cause to be recorded upon the voting lists to be used at the polling place the political party in whose primary the absentee voter has cast his ballot if he is

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WEDNESDAY, MAY 13, 1992.

529
Primary elections, — unenrolled voters.

Mechanics liens,— regulate.

Recess.

Quorum.

unenrolled, or the officers charged with the casting of such absentee ballot at the polling place shall so record on the voting list the political party in whose primary the absentee voter has cast his ballot if he is unenrolled.”) of the House Bill relative to the party enrollment of unenrolled voters at primary elections (House, No. 714, amended) prevailed.

On the recurring question, Mr. Moore of Uxbridge moved that the House concur with the Senate in its amendment with further amendments in section 1 and also in section 3 by adding at the end thereof, in each instance, the following paragraph:

“If the voter was unenrolled prior to the selection of a party ballot he shall continue to be recorded as unenrolled in the current annual register of voters provided, however, in a presidential primary, the voter shall remain a member of the political party whose ballot he received until he files a certificate signed under the pains and penalties of perjury with the board of registrars of voters requesting to have his enrollment changed to another party or political designation or cancelled or by appearing in person before a member of said board requesting in writing that his enrollment be changed or cancelled.”.

The further amendments were adopted.

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

Subsequently, the remaining matters in the Orders of the Day having been disposed of, the question on concurring with the Senate in its amendment, as amended, was considered further, pending which, further consideration thereof was postponed, on motion of Mr. Moore, until Wednesday, May 20.

The House Bill to amend certain provisions of the General Laws relating to mechanics liens for labor and materials (House, No. 3383) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DiMasi of Boston, until Wednesday, May 27.

Recess.

At twenty-one 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 that time the House was called to order with the Speaker in the Chair.

Quorum.

Mr. Lionett of Worcester then 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 123 members were recorded as being in attendance.

[See Yea and Nay No. 130 in Supplement.]
Therefore a quorum was present.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Sherborn to permit the use of certain town land for a communication system (see Senate bill printed in Senate, No. 1459) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 135 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 131 in Supplement.]
Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

The 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 Mr. Finneran of Boston, until after disposition of the remaining matters in the Orders of the Day.

House bills
Further regulating alcohol use by minors (House, No. 213); and
Further regulating the suspension of motor vehicle licenses for refusal to submit to a test for blood alcohol content (House, No. 407);
Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to the possession of certain weapons (House, No. 1722) was read a second time.
Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Teague of Yarmouth, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relating to notice on foreclosure sales (House, No. 2494) was read a second time; and it was ordered to a third reading.
The House Bill relative to driving under the influence of alcohol by minors (House, No. 3250) was read a second time. Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Public Safety, on motion of Mr. Caron of Springfield.

House bills
On appellate jurisdiction (House, No. 3387); Relative to the examination of jurors (House, No. 3933); Relative to court escrow accounts (House, No. 3936); Repealing certain statutory foreclosure of mortgage provisions to defer to the provisions of the federal Soldier’s and Sailor’s Civil Relief Act of 1940 (House, No. 5190); and Repealing certain provisions preempted by the motor vehicle title law (House, No. 5287); Severally were read a second time; and they were ordered to a third reading.

Recess.
At half past one o’clock P.M., on motion of Mr. Moore of Uxbridge (the Speaker being in the Chair), the House recessed until five minutes before two o’clock P.M.; and at three minutes before two o’clock the House was called to order with the Speaker in the Chair.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At twenty-two minutes before three o’clock P.M., pursuant to assignment, the two Houses met in

JOINT SESSION

and were called to order by the Honorable William M. Bulger, President of the Senate, who made the following observations before proceeding to the matters duly called for consideration:

“Pursuant to an order previously adopted, the two houses are in joint session for the purpose of considering various proposals for amendment to the Constitution. The matters that have been called for consideration are now seasonably laid before this session in conformity with the provisions of Articles LXVIII and LXXXI of the Amendments to the Constitution.”

The Proposal for an Initiative Amendment to the Constitution limiting the terms of office of Governor, Lieutenant Governor, Secretary, Treasurer, Attorney General, Auditor, Councillor, State Senator, State Representative, United States Senator and Representative in Congress (see House, No. 4000) (for majority and minority reports, see Senate, No. 1536), — was read in accordance with the provisions of the special rules. The proposal was as follows: —
ARTICLE OF AMENDMENT.

Part I. Article II, Part 2, Chapter 2, Section 1 of the Constitution, as most recently amended, is further amended by adding the following additional sentences:

No person shall be qualified to be elected as Governor who has held that office for two consecutive terms within the eleven year period immediately preceding the election, provided that such terms of office began on or after January 1, 1995. For the purpose of this Article, any person who succeeds to the office of Governor, and who serves more than one-half of a term of that office, shall be considered to have served a term of that office.

AND FURTHER THAT

Part II. Article I, Part 2, Chapter 2, Section 2 of the Massachusetts Constitution, as most recently amended, is further amended by adding the following additional sentences:

No person shall be qualified to be elected as Lieutenant Governor who has held that office for two consecutive terms within the eleven year period immediately preceding the election, provided that such terms of office began on or after January 1, 1995. For the purpose of this Article, any person appointed or elected to such office, and who serves more than one-half of a term of that office, shall be considered to have served a term of that office.

AND FURTHER THAT

Part III. Article XVII of the Articles of Amendment of the Constitution, as most recently amended, is further amended by adding the following additional sentences:

No person shall be qualified to be elected as Secretary, Treasurer, Auditor or Attorney General who has held such office for two consecutive terms within the eleven year period immediately preceding the election, provided that such terms of office began on or after January 1, 1995. For the purpose of this Article, any person appointed or elected to any one of such offices, and who serves more than one-half of a term of that office, shall be considered to have served a term of that office.

AND FURTHER THAT

Part IV. Article XVI of the Articles of Amendment of the Constitution, as most recently amended, is further amended by adding the following additional sentences:

No person shall be qualified to be elected as Councillor who has held that office for four consecutive terms within the nine year period immediately preceding the election, provided that such terms of office began on or after January 1, 1995. For the purpose of this Article, any person appointed or elected to such office, and who
serves more than one-half of a term of that office, shall be considered to have served a term of that office.

AND FURTHER THAT

Part V. Article V, Part 2, Chapter 1, Section 2 of the Massachusetts Constitution, as most recently amended, is further amended by adding the following additional sentences:

No person shall be qualified to be elected as Senator who has held that office for four consecutive terms within the nine year period immediately preceding the election, provided that such terms of office began on or after January 1, 1995. For the purpose of this Article, any person appointed or elected to such office, and who serves more than one-half of a term of that office, shall be considered to have served a term of that office.

AND FURTHER THAT

Part VI. Article CI of the Articles of Amendment, as most recently amended, is further amended to add the following sentences at the end of the last paragraph in Section 1:

No person shall be qualified to be elected as Representative who has held that office for four consecutive terms within the nine year period immediately preceding the election, provided that such terms of office began on or after January 1, 1995. For the purpose of this Article, any person appointed or elected to such office, and who serves more than one-half of a term of that office, shall be considered to have served a term of that office.

AND FURTHER THAT

Part VII. The Articles of Amendment of the Massachusetts Constitution are hereby further amended by adding the following new Article, to be numbered sequentially:

ARTICLE . No United States Senator from Massachusetts shall serve more than two consecutive terms in the United States Senate and no Representative in Congress from Massachusetts shall serve more than four consecutive terms in the United States House of Representatives. Any person appointed or elected to the United States Congress, and who serves more than one-half of a term of such office, shall be considered to have served a term of that office for the purposes of this Article. The requirements of this Article shall apply to terms of office beginning on or after January 1, 1995.

AND FURTHER THAT

Part VIII. The provisions of Part I through VI of this proposal shall be deemed to be severable from the provisions of Part VII of this proposal in the event either Parts I through VI or Part VII are held to be invalid.
Mr. Burke moved that this matter be placed at the end of the calendar.

On motion of Mr. Locke, a call of the yeas and nays was ordered on this question.

After debate, Mr. Lionett of Worcester raised a point of order which, being stated, was that in the ten minutes allowed for debate there had been only two speakers. The rules only allow for three minutes debate per member on this motion and the members had exceeded their allotted time.

The President stated that there had in fact been only two members who had spoken in the ten minutes allowed for debate, but no member had raised objection that the speakers had exceeded their time.

The President therefore ruled that the point of order was NOT well taken.

The question on placing the matter at the end of the calendar was then determined by a call of yeas and nays, at three minutes before three o'clock P.M., as follows, to wit (yeas 106 — nays 81):

### YEAS (106).

**Senators.**

<table>
<thead>
<tr>
<th>Barrett, Michael J.</th>
<th>Keating, William R.</th>
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<tr>
<td>Berry, Frederick E.</td>
<td>LoPresti, Michael, Jr.</td>
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<td>Birmingham, Thomas F.</td>
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<td>Dunn, Martin J.</td>
<td>Rosenberg, Stanley C.</td>
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<td>Durand, Robert A.</td>
<td>White, W. Paul — 21.</td>
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<td>Havens, Robert A.</td>
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**Representatives.**

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<tr>
<th>Angelo, Steven</th>
<th>Correia, Robert</th>
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<td>Binenda, John J.</td>
<td>Cox, John F.</td>
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<td>Blanchette, Kevin P.</td>
<td>DeLeo, Robert A.</td>
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<td>Dempsey, Brian S.</td>
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<td>Brett, James T.</td>
<td>DiMasi, Salvatore F.</td>
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<td>Bump, Suzanne M.</td>
<td>Donovan, Carol A.</td>
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<td>Businger, John A.</td>
<td>Doran, Stephen W.</td>
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<td>Casey, Paul C.</td>
<td>Galvin, William C.</td>
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<td>Cass, William F.</td>
<td>Gannon, Paul J.</td>
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<td>Catjakis, Athan</td>
<td>Gibson, Mary Jane</td>
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<td>Ciampa, Vincent P.</td>
<td>Giglio, Anthony P.</td>
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<td>Clancy, Edward J., Jr.</td>
<td>Goguen, Emile J.</td>
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<td>Gonsalves, Leonard</td>
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<td>Collar, Andrew</td>
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Place at end of Calendar,— yea and nay No. 132.
Place at end of Calendar,—

yea and nay No. 132.

Hayward, Jeffery J.
Herren, Albert
Hodgkins, Christopher J.
Honan, Kevin G.
Jehlen, Patricia D.
Jordan, Raymond A., Jr.
Kafka, Louis L.
Karol, Stephen J.
Kennedy, Thomas P.
Koczena, Robert M.
Lambert, Edward M., Jr.
Landers, Patrick F., III
Larkin, Peter J.
Lawless, Robert C.
LeLacheur, Edward A.
Magnani, David P.
Manning, M. Joseph
Mar, Francis G.
Marzilli, J. James, Jr.
McDonough, John E.
McNeil, John C.
Menard, Joan M.
Merced, Nelson
Moore, Richard T.
Nagle, William P., Jr.

O’Brien, Shannon P.
Owens-Hicks, Shirley
Parente, Marie J.
Petrolati, Thomas M.
Ranieri, Daniel J.
Resor, Pamela P.
Rourke, Susan F.
Rushing, Byron
Scaecia, Angelo M.
Schur, Susan D.
Serra, Emanuel G.
Story, Ellen
Sullivan, Gregory W.
Thompson, Alvin E.
Tobin, A. Stephen
Turkington, Eric
Valianti, Daniel J.
Vellucci, Peter A.
Voke, Richard A.
Walrath, Patricia A.
Walsh, Marian
Walsh, Michael P.
Woodward, Francis H. — 85.

NAYS (81).

Senators.

Amorello, Matthew J.
Antonioni, Robert A.
Buell, Robert C.
Chase, Arthur E.
Harold, Paul D.
Hedlund, Robert L.
Hicks, Lucile P.
Jajuga, James P.
Kirby, Edward P.

Lane, Christopher M.
Lees, Brian P.
Locke, David H.
Shannon, Charles E.
Sullivan, Nancy Achin
Swift, Jane M.
Tisei, Richard R.
Wall, Erving H., Jr.
Wetmore, Robert D. — 18.

Representatives.

Blute, Peter I.
Bradford, John C.
Brenton, Marianne
Brewer, Stephen M.
Buell, Carmen D.
Clark, Forrester A., Jr.
Cleven, Carol C.
Constantino, William, Jr.
Coon, Gary M.
Cruz, John F.
Decas, Charles N.
DeFilippi, Walter A.
Draisen, Marc D.
Driscoll, John R.

Evans, Nancy H.
Forman, Peter
Gardner, Barbara
Gately, David F.
Glodis, William J., Jr.
Hall, Geoffrey D.
Harkins, Lida E.
Hawke, Robert D.
Healy, Jonathan L.
Henry, James R.
Hildt, Barbara
Hornblower, Augusta
Hyland, Barbara C.
Hynes, Frank M.
The yeas and nays having been completed at seven minutes past three o'clock P.M., the motion to place the matter at the end of the calendar prevailed.

Subsequently Ms. Fox of Boston asked unanimous consent to make a statement; and, there being no objection, she addressed the Joint Session as follows:

MR. PRESIDENT: 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.

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

Mr. Burke then moved that the Joint Session be in recess until Wednesday, June 10; and the question thereon was determined by a call of the yeas and nays, at ten minutes past three o'clock P.M., on motion of Mr. Hynes of Marshfield, as follows, to wit (yeas 100 — nays 87):
Motion to recess
Joint Session,—yay and nay
No. 133.

Barrett, Michael J.
Berry, Frederick E.
Bertonazzi, Louis P.
Birmingham, Thomas F.
Boverini, Walter J.
Bulger, William M.
Burke, Edward L.
Creedon, Michael C.
Dunn, Martin J.
Durand, Robert A.
Havern, Robert A.

Keating, William R.
LoPresti, Michael, Jr.
MacLean, William Q., Jr.
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Cohen, David B.
Collaro, Andrew
Connolly, Edward G.
Correia, Robert
Cox, John F.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Doran, Stephen W.
Finneran, Thomas M.
Fitzgerald, Kevin W.
Flaherty, Charles
Fox, Gloria L.
Galvin, William C.
Gannon, Paul J.
Gibson, Mary Jane
Giglio, Anthony P.
Gray, Barbara E.
Haley, Paul R.
Hall, Geoffrey D.
Hayward, Jeffery J.
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Magnani, David P.
Manning, M. Joseph
Mara, Francis G.
Mariano, Ronald
McDonough, John E.
McNeil, John C.
Menard, Joan M.
Merced, Nelson
Nagle, William P., Jr.
O'Brien, Shannon P.
Owens-Hicks, Shirley
Petrolati, Thomas M.
Ranieri, Daniel J.
Roosevelt, Mark
Rourke, Susan F.
Ruane, J. Michael
Rushing, Byron
Scaccia, Angelo M.
Serra, Emanuel G.
Story, Ellen
Sullivan, Gregory W.
Thompson, Alvin E.
Tobin, A. Stephen
Turkington, Eric
Valianti, Daniel J.
Vellucci, Peter A.
Voke, Richard A.
Walsh, Marian
Walsh, Michael P.
Walsh, Thomas P.
Woodward, Francis H. — 79.
NAYS (87).

Senators.

Amorello, Matthew J.  
Antonioni, Robert A.  
Buell, Robert C.  
Chase, Arthur E.  
Harold, Paul D.  
Hedlund, Robert L.  
Hicks, Lucile P.  
Jajuga, James P.  
Kirby, Edward P.  

Lane, Christopher M.  
Lees, Brian P.  
Locke, David H.  
Rosenberg, Stanley C.  
Shannon, Charles E.  
Sullivan, Nancy Achin  
Swift, Jane M.  
Tisei, Richard R.  
Wall, Erving H., Jr. — 18.

Representatives.

Biute, Peter I.  
Bradford, John C.  
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Hornblower, Augusta  
Hyland, Barbara C.  
Hynes, Frank M.  
Jehlen, Patricia D.  
Kehoe, Marie-Louise  
Kelly, Shaun P.  
Kerans, Sally P.  
Klimm, John C.  

Knapik, Michael R.  
Kollios, Paul  
Kraus, Robert  
Krekorian, Robert C.  
Lewis, Jacqueline  
Lionett, David J.  
Mandile, Anthony M.  
Mann, Charles W.  
Marzilli, J. James, Jr.  
McKenna, Mary Jane  
Miceli, James R.  
Moore, Richard T.  
Morrisey, Michael W.  
Murray, Mary Jeanette  
O'Brien, Janet W.  
O'Sullivan, Kevin  
Pacheco, Marc R.  
Palumbo, Thomas G.  
Parente, Marie J.  
Peters, David M.  
Petersen, Douglas W.  
Poirier, Kevin  
Reinstein, William G.  
Resor, Pamela P.  
Rogeness, Mary S.  
Schur, Susan D.  
Stoddart, Douglas W.  
Sullivan, Michael J.  
Tarr, Bruce E.  
Teague, Edward B., III  
Tolman, Warren E.  
Tracy, Susan M.  
Travis, Philip  
Walrath, Patricia A. — 69.

Absent or Not Voting (9).

Senators.

Rauschenbach, Henri S. — 1.
Joint Session recessed to Wednesday, June 10.

The yea and nays having been completed at twenty minutes past three o'clock P.M., the motion to recess prevailed; and, accordingly, without further action on the matters duly and constitutionally assigned for consideration, the joint session was recessed until two o'clock P.M. on Wednesday, June 10; and the Senate returned to its Chamber, under escort of the Sergeant-at-Arms.

Engrossed Bill.

The engrossed Bill validating certain actions taken at a special town meeting of the town of Salisbury allowing said town to amortize a portion of its deficit (see Senate, No. 1511) (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 (more than two-thirds of the members having agreed to pass the same); and it was signed by the Speaker and sent to the Senate.

Order.

On motion of Mr. Voke of Chelsea, —

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

Mr. Voke then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes after three o'clock P.M. (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. 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:

God, Our Creator, we are grateful for the material and spiritual blessings which You bestow upon us daily. We are grateful, too, for the opportunities which we enjoy as citizens of this state and country. Prosper our efforts to make equal and fair opportunities available for all. In our search for peace in our communities, guide us in our discussions so that our political and philosophical principles may be intellectually and ethically sound. May the common good be our common goal.

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

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

Resolutions.

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

- Resolutions (filed by Mr. Hall of Westford) congratulating George W. MacGregor, Jr., on the occasion of his retirement;
- Resolutions (filed by Ms. Kerans of Danvers) congratulating Norma Daly DeLuca on the occasion of her retirement; and
- Resolutions (filed by Mrs. Murray of Cohasset) congratulating the Social Service League of Cohasset on the occasion of its eightieth anniversary;

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

Order.

On motion of Mr. Finneran of Boston, — Ordered, That, notwithstanding the provisions of House Rule 27, the committee on Ways and Means be granted until Thursday, May 21, within which to make its report on the General Appropriation Bill.
Mr. Vellucci of Cambridge presented a petition (accompanied by bill, House, No. 5649) of Kenneth E. Reeves (mayor) and others (with the approval of the mayor and city council) relative to the retirement contributions of John Sheehan, a member of the city of Cambridge retirement system; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Constantino of Clinton (by request), petition (subject to Joint Rule 12) of Patrick M. Raymond relative to authorizing the State Lottery Commission to conduct additional lotteries.

By Mr. Cox of Lowell, petition (subject to Joint Rule 12) of John F. Cox, Susan F. Rourke, Edward A. LeLacheur, Nancy Achin Sullivan and another relative to authorizing the Division of Capital Planning and Operations to grant easements over certain parcels of land located in the city of Lowell.

By Mr. Decas of Wareham, petition (subject to Joint Rule 12) of Charles N. Decas for legislation to designate a certain bridge in the town of Wareham as the Joseph R. Grassia Bridge.

By Mr. Pacheco of Taunton, petition (subject to Joint Rule 12) of Marc R. Pacheco and Joan M. Menard (with the approval of the mayor and city council) for legislation to authorize the city of Taunton to establish a retirement system funding schedule.

By Mr. Reinstein of Revere, petition (subject to Joint Rule 12) of William G. Reinstein, Thomas F. Birmingham and Robert A. DeLeo relative to providing funds for polling place accessibility.

By the same member, petition (subject to Joint Rule 12) of William G. Reinstein, Thomas F. Birmingham and Robert A. DeLeo (with the approval of the mayor and city council) for legislation to require the Treasurer and Receiver-General of the Commonwealth to distribute a certain percentage of the pari-mutuel wager from Suffolk Downs to the city of Revere.

By Mr. Tolman of Watertown, petition (subject to Joint Rule 12) of the Brotherhood of Locomotive Engineers, Warren E. Tolman, Louis L. Kafka and another for legislation to provide counselling services and medical leave for crew members of a railroad corporation or railway company involved in an accident resulting in a death.

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

Reports of Committees.

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. 557) of John C. Bradford that boards of health be authorized to provide for cleaning of homes declared uninhabitable, — and recommending that the same be referred to the committee on Local Affairs; and

By Mr. Blanchette of Lawrence, for the committee on Public Service, asking to be discharged from further consideration of the
petition (accompanied by bill, House, No. 1773) of Joseph B. McIntyre that the Department of Public Safety be directed to implement a grant-in-aid program of assistance for cities and towns for the control of drugs, — and recommending that the same be referred to the committee on Criminal Justice.

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

By Ms. Bump of Braintree, for the committee on Commerce and Labor, on Senate, Nos. 10, 11, 13, 17, 18, 19, 20, 22, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 45, 46, 47, 50, 51, 54, 55, 60, 64, 78, 79, 80, 81, 83, 84, 87, 88, 90, 91, 92, 93 and 1440; and House, Nos. 42, 53, 56, 137, 139, 143, 145, 147, 148, 149, 183, 203, 293, 294, 295, 296, 297, 298, 299, 301, 302, 304, 305, 306, 307, 308, 309, 312, 313, 315, 491, 493, 494, 495, 496, 497, 498, 502, 503, 504, 506, 567, 688, 690, 692, 873, 874, 876, 877, 878, 879, 1062, 1063, 1064, 1066, 1067, 1069, 1070, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1441, 1443, 1444, 1445, 1447, 1448, 1449, 1451, 1452, 1453, 1454, 1455, 1458, 1461, 1462, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1638, 1639, 1640, 1641, 1643, 1831, 1833, 1834, 1835, 1836, 2030, 2032, 2033, 2230, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2245, 2406, 2408, 2409, 2410, 2413, 2415, 2589, 2599, 2600, 2601, 2602, 2603, 2605, 2615, 2618, 2619, 2622, 2623, 2624, 2625, 2768, 2771, 2772, 2775, 2776, 2777, 2778, 2779, 2780, 2783, 2784, 2940, 2941, 2942, 2943, 2946, 2947, 2948, 2950, 3128, 3129, 3320, 3321, 3322, 3328, 3330, 3494, 3495, 3497, 3498, 3500, 3501, 3502, 3503, 3504, 3505, 3507, 3508, 3509, 3690, 3691, 3692, 3693, 3856, 3858, 3859, 3860, 3866, 4046, 4047, 4048, 4050, 4052, 4055, 4056, 4058, 4059, 4218, 4219, 4220, 4221, 4222, 4224, 4225, 4406, 4408, 4409, 4411, 4412, 4413, 4623, 4624, 4625, 4626, 4628, 4629, 4630, 4631, 4632, 4633, 4803, 4804, 4805, 4806, 4808, 4809, 4810, 4811, 4812, 5006, 5007, 5008, 5009, 5010, 5011, 5013, 5154 and 5156, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning rights of employees, consumer protection, economic development, landlord-tenant relationships, the “Blue Laws” and other various and sundry related matters (House, No. 5634). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on House, No. 1737, a Bill to protect and recover the Northern Right Whale (House, No. 5645). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Herren of Fall River, for the committee on Energy, on a petition, a Bill promoting public participation in energy decision-making (House, No. 2980).

By the same member, for the same committee, on House, Nos. 2978 and 3571, a Bill directing the Energy Facilities Siting
By Mr. Jordan of Springfield, for the committee on Housing and Urban Development, on House, Nos. 34 and 38, a Bill relative to the Mobile Home Commission (House, No. 38).

By the same member, for the same committee, on a petition, a Bill requiring the installation of emergency generators in certain housing for elderly and handicapped persons (House, No. 564).

By the same member, for the same committee, on House, Nos. 1137, 2271, 3165 and 4493, a Bill regulating advertisements and solicitation for time-shares (House, No. 1137).

By the same member, for the same committee, on a petition, a Bill to provide assistance for housing (House, No. 2828, changed by striking out, in line 5, the words "communities and development" and inserting in place thereof the word "administration").

By the same member, for the same committee, on Senate, Nos. 490, 491, 492 and 493 and House, Nos. 561, 562, 563, 571, 1132, 1136, 1888, 1892, 1893, 1894, 2272, 3371, 3735 and 3909, a Bill providing funds for housing and community development (House, No. 5646) [Bond Issue: $351,000,000.00].

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on a petition, a Bill further regulating recycling programs (House, No. 2520, changed by inserting after the word "assistance", in line 4, the words "or reimbursement").

By the same member, for the same committee, on a petition, a Bill regulating the disposal and recycling of white goods (House, No. 4916).

By the same member, for the same committee, on a petition, a Bill to facilitate the transfer of lobster licenses (House, No. 5089).

By the same member, for the same committee, on a petition, a Bill relative to archery (House, No. 5420).

By the same member, for the same committee, on a petition, a Bill relative to the Blackstone River and Canal Heritage State Park (House, No. 5492).

By the same member, for the same committee, on House, Nos. 115 and 116, a Bill to clarify the disposition of non-criminal and criminal fines and penalties (House, No. 5647).

By Mr. Hynes of Marshfield, for the same committee, on House, No. 2700, a Bill providing for the public health by managing mosquitoes in the Commonwealth (House, No. 5648).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill relative to appeals by public employees seeking disability pensions (House, No. 4169).

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

By Mr. Brett of Boston, for the committee on Banks and Banking, on House, Nos. 9, 10 and 2937, a Bill relative to certain actions of the Board of Bank Incorporation (House, No. 10).

By the same member, for the same committee, on House, Nos. 9 and 12, a Bill relative to the operation of certain banking laws (House, No. 12, changed by striking out section 2).
By the same member, for the same committee, on House, Nos. 9 and 16, a Bill relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 16).

By the same member, for the same committee, on House, Nos. 9 and 21, a Bill relative to investments and reserves in credit unions (House, No. 21, changed by striking out section 4).

By the same member, for the same committee, on House, Nos. 9, 23 and 2761, a Bill relative to certain reports of the Commissioner of Banks (House, No. 23).

By the same member, for the same committee, on House, Nos. 9 and 26, a Bill relative to the approval of certain bank holding company transactions by the Board of Bank Incorporation (House, No. 26).

By the same member, for the same committee, on a petition, a Bill to clarify certain bank investment powers (House, No. 2226).

By the same member, for the same committee, on a petition, a Bill to reimbursement to banks for production of copies from the records, books, and accounts of such banks (House, No. 2228).

By the same member, for the same committee, on a petition, a Bill relative to home improvement loans (House, No. 5151).

By the same member, for the same committee, on House, Nos. 9 and 20, a Bill relative to aggregate loan and investment limitations governing credit unions (House, No. 5654).

By the same member, for the same committee, on House, Nos. 683 and 1828, a Bill further regulating bank accounts of businesses (House No. 5655).

By the same member, for the same committee, on House, No. 3123, a Bill relative to modifications of retail installment sales agreements (House, No. 5656).

By Mr. DiMasi of Boston, for the committee on the Judiciary, on a petition, a Bill authorizing judges to solemnize marriages (House, No. 4708).

By Mr. Rushing of Boston, for the committee on Local Affairs, on House, No. 2512, a Bill relative to local by-laws and ordinances regulating antenna structures used by federally licensed amateur radio operators (House, No. 5657).

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on House, Nos. 107 and 109, a Bill clarifying the use of public land for recreational purposes (House, No. 109).

By the same member, for the same committee, on a petition, a Bill relative to the unlawful use of solid waste disposal containers (House, No. 1173).

By the same member, for the same committee, on a petition, a Bill increasing the review period for certain projects upon written request of a municipality (House, No. 1727).

By the same member, for the same committee, on a petition, a Bill relative to the treatment of animals (House, No. 4257, changed in section 1 by striking out, in lines 1 and 2, the words “in Medicine through its Committee on Acupuncture” and inserting in place thereof the words “of Veterinarians”).
Docking facilities, — solid waste.

Household waste collections.

Balloons, — release.

Martha’s Vineyard Commission.

Recovery facilities.

Conservation land, — acquisition.

Retirement options, — spousal consent.

Worcester, — Raymond McGrath.

PERA commissioner, — duties.

Maiden fire fighters, — rank.

Regional positions, — civil service.

Correction Department, — managers.

Public employees, — political activities.

By the same member, for the same committee, on a petition, a Bill relative to the collection of solid waste generated by certain docking facilities (House, No. 4283).

By the same member, for the same committee, on a petition, a Bill to limit municipal liability during household hazardous waste collections (House, No. 4545).

By the same member, for the same committee, on a petition, a Bill regulating the release of a certain number of balloons into the environment (House, No. 4914).

By the same member, for the same committee, on a petition, a Bill relative to the membership of the Martha’s Vineyard Commission (House, No. 4918).

By the same member, for the same committee, on a petition, a Bill relative to resource recovery facilities (House, No. 5088).

By Ms. Resor of Acton, for the same committee, on House, No. 3420, a Bill relative to the disposition and acquisition of conservation land (House, No. 5661).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on House, Nos. 419, 810, 2545, 4161 and 4174, a Bill relative to spousal consent of selection of retirement options (House, No. 4161).

By the same member, for the same committee, on a petition, a Bill relative to the retirement rights of Raymond McGrath, a police officer of the city of Worcester (House, No. 5323) [Local Approval Received].

By the same member, for the same committee, on House, Nos. 1380, 2152 and 3641, a Bill relative to the determination of regular interest by the Commissioner of Public Employee Retirement Administration (House, No. 5658).

By the same member, for the same committee, on House, No. 5461, a Bill relative to reduction in rank for certain public employees in the city of Malden (House, No. 5659) [Local Approval Received].

By Mr. Petersen of Marblehead, for the same committee, on House, No. 1776, a Bill establishing civil service exemption for newly constituted regional positions (House, No. 5660).

Severally read; and 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, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 183) as relates to exempting certain management positions in the Department of Correction from civil service (accompanied by bill, House, No. 191) [Representative Bradford of Rochester dissenting].

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No 4758) of Nancy H. Evans and John C. Bradford for legislation to prohibit political activities of certain public employees [Representative Evans of Wayland dissenting].
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4761) of Nancy H. Evans, John C. Bradford, Bruce E. Tarr and Athan Catjakis relative to educational requirements for certain civil service positions.

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

Order.

On motion of Ms. Donovan of Woburn, —

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

At nine minutes after eleven o'clock A.M., on motion of Ms. Donovan (Mr. Voke of Chelsea being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.

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

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

Eternal God, we depend upon You for the intellectual, emotional and moral courage to serve You, our families and our constituents. As elected officials, inspire us to act responsibly in addressing current issues and in adopting public policy. In our pluralistic society with a myriad of political and social philosophies, let us be one in mind and heart as we search for common goals and the common good. Grant us the patience to work, reason and plan together for a more just, prosperous and concerned 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.

Message from the Governor.

A message from His Excellency the Governor submitting requests for appropriations (under Section 7 of Chapter 150E of the General Laws) for the purpose of funding a certain collective bargaining agreement between the Commonwealth and the Massachusetts Correction Officers Federated Union — Unit 4 (House, No. 5670) was filed in the office of the Clerk on Friday last.

The message was read; and referred, under Rule 30, with the accompanying draft of a bill, 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. Correia of Fall River) honoring President Joao Bosca Mota Amaral of the Azores;

Resolutions (filed by Mr. Moore of Uxbridge) congratulating Bruce Dean of the Uxbridge Public Schools on his selection as nineteen hundred and ninety-two Christa McAuliffe Fellow;

Resolutions (filed by Mr. Moore of Uxbridge) congratulating Reverend Mel Hansen on his twenty-five years as Pastor of the North Uxbridge Church;

Resolutions (filed by Mr. Poirier of North Attleborough) congratulating Jeffrey Dana Pond on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Rushing of Boston) congratulating Joshua Liburd on the occasion of his retirement;

Resolutions (filed by Messrs. Woodward of Walpole and Poirier of North Attleborough) congratulating Robert Foulis on receiving the Eagle Award of the Boy Scouts of America;
Resolutions (filed by Messrs. Woodward of Walpole and Poirier of North Attleborough) congratulating Sean Hegarty on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Messrs. Woodward of Walpole and Poirier of North Attleboro) congratulating Evan Williams 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. Correia, 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 Ms. Brenton of Burlington) congratulating Joseph L. Harrington III on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Brenton of Burlington) congratulating Benjamin John Harrower on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Brenton of Burlington) congratulating Jeffrey Stephen Mahoney on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Woodward of Walpole) congratulating Dr. Donald Burgess on the occasion of his retirement as superintendent of the Walpole Public Schools;

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. Woodward, 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 conveying certain town owned land in the town of Medfield to the Medfield Community Development Corporation (Senate, No. 1512) (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 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 McKenna relative to towing of motor vehicles by order of fire department or police department officials; and
Petition (accompanied by bill) of Mary Jane McKenna relative to towing of motor vehicles by order of fire department or police department officials;

Severally to the committee on Public Safety.

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

By Mr. Roosevelt of Boston, for the committee on Education, Arts and Humanities, recommending that the communication from the Board of Education (under paragraph (c) of Section 11 of Chapter 746 of the Acts of 1987) submitting interim regulations pertaining to school construction under the school building assistance program (House, No. 5506) be placed on file.

Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Herren of Fall River, for the committee on Energy, on Senate, Nos. 305, 310, 311, 313, and 314 and House, Nos. 100, 102, 104, 2977, 2979, 3533, 3542, 3545, 3550, 3554, 3556, 3564, 3566, 3888 and 4481, an Order relative to authorizing the committee on Energy to make an investigation and study of certain Senate and House documents concerning returnable beverage containers, the reorganization of the Division of Energy Resources, energy efficiency, energy supply disruptions, alternative energy and other related matters (House, No. 5662).

By Mr. DiMasi of Boston, for the committee on the Judiciary, on House, Nos. 585, 592, 595, 767, 768, 954, 1159, 1161, 1164, 1525, 1527, 1714, 1715, 1717, 1932, 1933, 1939, 2110, 2111, 2322, 2498, 2502, 2688, 2839, 2841, 3185, 3191, 3196, 3198, 3203, 3220, 3385, 3395, 3398, 3400, 3402, 3403, 3404, 3405, 3602, 3603, 3604, 3750, 3754, 3934, 3938, 3940, 3941, 3942, 3943, 3944, 4131, 4132, 4277, 4514, 4524, 4698, 4699, 4702, 4704, 4898, 4901 and 5077, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning the courts of the Commonwealth and other related matters (House, No. 5663).

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

By Ms. Buell of Greenfield, for the committee on Health Care, on House, Nos. 1302 and 4256, a Bill providing for reimbursement by insurance companies and others for services performed by licensed acupuncturists (House, No. 1302). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Jordan of Springfield, for the committee on Housing and Urban Development, on Senate, Nos. 502, 503, 509 and 510 and House, Nos. 1502, 2826, 4877 and 5176, a Bill relative to state-aided housing (House, No. 5664).
By Mr. Mara of Brockton, for the committee on Insurance, on House, Nos. 940 and 3038, a Bill relative to further regulating the solicitation of products under the insurance law concerning false health care claims (House, No. 3038).

By the same member, for the same committee, on House, Nos. 1920, 2484, 3744 and 3745, a Bill prohibiting discrimination with respect to newly issued insurance contracts (House, No. 5666).

By the same member, for the same committee, on House, No. 3049, a Bill to encourage the purchase of long term care insurance (House, No. 5667).

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on House, Nos. 2860, 3241 and 3964, a Bill relative to recycling waste tires (House, No. 5668).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on House, Nos. 980, 988, 989, 990, 1397, 1982, 2179, 2361, 3981, 4157 and 4331, a Bill further regulating the procurement of services by the Commonwealth (House, No. 4157).

By the same member, for the same committee, on a petition, a Bill amending the public employment collective bargaining law (House, No. 4302).

By the same member, for the same committee, on House, No. 5110, a Bill including certain environmental police officers in the Department of Fisheries, Wildlife and Environmental Law Enforcement in the career incentive pay program (House, No. 5669).

By Mr. Dempsey of Haverhill, for the same committee, on a petition, a Bill to change two job titles in the department of youth services (House, No. 2881).

By Mr. Karol of Attleboro, for the committee on Transportation, on a petition, a Bill to install traffic control signals in the town of Milton (House, No. 2581).

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

By Mr. Brett of Boston, for the committee on Banks and Banking, on a petition, a Bill further regulating mortgage lending (House, No. 2223, changed by striking out section 3; in section 4 by striking out, in line 12, the word "nine" and inserting in place thereof the word "twelve"; and by striking out sections 6 to 13, inclusive).

By Ms. Bump of Braintree, for the committee on Commerce and Labor, on House, Nos. 137 and 140, a Bill standardizing the permissible hours and days of work performed by minors under sixteen (House, No. 140).

By the same member, for the same committee, on House, Nos. 137 and 141, a Bill defining the applicability of the child labor laws in places of employment (House, No. 141).

By the same member, for the same committee, on House, Nos. 137 and 151, a Bill clarifying the laws governing the Department of Labor and Industries (House, No. 151).

By the same member, for the same committee, on a petition, a Bill to protect consumers from deceptive advertising (House, No. 501).
By the same member, for the same committee, on a petition, a Bill regulating the labelling of certain foodstuffs (House, No. 689).

By the same member, for the same committee, on a petition, a Bill exempting yard sales from the Sunday laws (House, No. 875).

By the same member, for the same committee, on a petition, a Bill relative to the payment of wages of operators of rented motor vehicle equipment (House, No. 2590).

By the same member, for the same committee, on a petition, a Bill providing for the payment of certain wages to the drivers of concrete trucks (House, No. 2591).

By the same member, for the same committee, on a petition, a Bill to regulate the sale of home food service plans (House, No. 4414).

By Mr. Jordan of Springfield, for the committee on Housing and Urban Development, on so much of House, No. 1999 (as relates to subsection 1 of section 5), a Bill relative to the Community Development Block Grant (House, No. 5665).

By Mr. Mara of Brockton, for the committee on Insurance, on House, Nos. 2468, 3042 and 4118, a Bill relative to establishing certain alternative approaches to providing health insurance for employees of governmental units (House, No. 5671).

By Mr. Cass of Wakefield, for the same committee, on a petition, a Bill relative to participation by certain health insurers and others in municipal health care plans (House, No. 375).

By Mr. Rushing of Boston, for the committee on Local Affairs, on Senate, No. 885 and House, Nos. 1533, 2855 and 5491, a Bill relative to contractual powers of cities, towns, districts, regional school districts, regional planning commissions, regional transit authorities and counties (House, No. 5672).

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on Senate, No. 915 and House, Nos. 114, 4530, 4549 and 4550, a Bill to amend the Massachusetts Environmental Policy Act (House, No. 4549).

By Mr. Caron of Springfield, for the committee on Public Safety, on House, Nos. 183 and 186, a Bill concerning the classification of prisoners (House, No. 186).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill increasing the retirement allowance of certain former employees (House, No. 3790).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill to improve competition in the furnishing of materials for use in certain public contracts (House, No. 654).

By the same member, for the same committee, on a petition, a Bill relative to the definition of public records (House, No. 1222).

By the same member, for the same committee, on a petition, a Bill authorizing the Secretary of Administration and Finance to erect a plaque in memory of the 26th Infantry Division (House, No. 1404).

By the same member, for the same committee, on House, Nos. 2725 and 4787, a Bill relative to the observance of Billington Sea Day (House, No. 4787).
By Mr. Finneran of Boston, for the committee on Ways and Means, on part of House, No. 5466, 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. 5673) [Cost: $317,990,245.00].

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

By Ms. Schur of Newton, for the committee on Federal Financial Assistance, on a petition, Resolutions memorializing the Congress of the United States to enact legislation establishing a Charles River Valley National Heritage Corridor (House, No. 1289). Placed in the Orders of the Day for the next sitting, the question being on adoption.

Emergency Measure.

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 8 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill designating a certain intersection in the town of Avon as the Warren L. Edwards Memorial Square (see Senate, No. 1510, changed) (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.

Mrs. Menard of Somerset being in the Chair,

House bills
Relative to a penalty for failure to pay commissions to the State Lottery (House, No. 155) (its title having been changed by the committee on Bills in the Third Reading);
Increasing the fines for certain criminal offenses (House, No. 526) (its title having been changed by the committee on Bills in the Third Reading);
Further regulating the statute of limitations for filing civil damage suits by minor victims of sexual abuse (House, No. 2107);
Requiring a report of carbon dioxide emissions from power generating facilities (House, No. 3628);
Relative to criminal offender record information in foster care placements (House, No. 4684, changed);
Relative to boxing in the Commonwealth (House, No. 5345) (its title having been changed by the committee on Bills in the Third Reading);
Relative to investigations of certain cases of child abuse in the offices of the district attorneys (House, No. 5535); and
Authorizing the placing of certain liens on properties for guilty violations of certain state codes (House, No. 5615);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to insuring property of the State Lottery Commission (House, No. 154) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.
Said committee reported recommending that the bill be amended by striking out the emergency preamble.
The amendment was adopted; and the bill (House, No. 154, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to insuring property of the State Lottery Commission (House, No. 156) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.
Said committee reported recommending that the bill be amended by striking out the emergency preamble.
The amendment was adopted; and the bill (House, No. 156, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the possession of certain weapons (House, No. 1722) was ordered to a third reading.

House bills
Relative to certain actions of the Board of Bank Incorporation (House, No. 10);
Relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 16);
Relative to certain reports of the Commissioner of Banks (House, No. 23);
Relative to the approval of certain bank holding company transactions by the Board of Bank Incorporation (House, No. 26);
Clarifying the use of public land for recreational purposes (House, No. 109);
Relative to the unlawful use of solid waste disposal containers (House, No. 1173);
Increasing the review period for certain projects upon written request of a municipality (House, No. 1727);
To reimbursement to banks for production of copies from the records, books, and accounts of such banks (House, No. 2228);
Relative to spousal consent of selection of retirement options (House, No. 4161);
Relative to the treatment of animals (House, No. 4257, changed);
Relative to the collection of solid waste generated by certain docking facilities (House, No. 4283);
To limit municipal liability during household hazardous waste collections (House, No. 4545);
Authorizing judges to solemnize marriages (House, No. 4708);
Relative to the membership of the Martha's Vineyard Commission (House, No. 4918);
Relative to aggregate loan and investment limitations governing credit unions (House, No. 5654);
Further regulating bank accounts of businesses (House, No. 5655);
Relative to modifications of retail installment sales agreements (House, No. 5656);
Relative to local by-laws and ordinances regulating antenna structures used by federally licensed amateur radio operators (House, No. 5657);
Relative to the determination of regular interest by the Commissioner of Public Employee Retirement Administration (House, No. 5658);
Relative to reduction in rank for certain public employees in the city of Malden (House, No. 5659); and
Establishing civil service exemption for newly constituted regional positions (House, No. 5660);
Severally were read a second time; and they were ordered to a third reading.

The House report of the committee on Public Service, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 183) as relates to exempting certain management positions in the Department of Correction from civil service (accompanied by bill, House, No. 191) was accepted. Sent to the Senate for concurrence.

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

The House Bill relative to the rights of extended family members in care and protection proceedings (House, No. 5536) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by inserting after section 1 (as printed) the following section:

"SECTION 2. Paragraph (C) of said chapter 23 of said chapter 119, as so appearing, is hereby amended by adding the following seven sentences: — At the request of the grandparent, on a priority basis determined by the department, a visitation schedule
Care and protection proceedings.

shall be established for the grandparent of the child who is the subject of the foster care placement. The visitation schedule shall be determined in writing by the department on a periodic, regular basis, through an agreement between the grandparent of the child and the department. Grandparents shall be informed of their right to visit the child or children, and shall be informed in writing of the visitation schedule once an arrangement has been made and a schedule has been determined. The department shall allow visitation according to such schedule unless it is determined by a judge that contact with the grandparent is not in the best interests of the child. The department may establish reasonable conditions for grandparent visitation, including but not limited to requiring that the grandparent not reveal the whereabouts of the child. At no time shall the department suspend, reduce, or eliminate grandparent visitation rights without notifying the grandparent in writing and without an opportunity for the grandparent to respond to or appeal such decision. If a child is placed in foster care or other substitute care and is subsequently moved to another placement, or changes residency for any reason, the grandparent shall be notified in writing of such move or change and shall be able to continue the visitation schedule uninterrupted."

The amendment was adopted; and the bill (House, No. 5536, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the reporting of child abuse and neglect (House, No. 5537) 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 3. The first paragraph of section 51F of said chapter 119, as so appearing, is hereby amended by adding the following two sentences: — If the department determines during the initial screening period of an investigation that said report under section fifty-one A is unfounded, frivolous, false, or other absolute determination that abuse or neglect has not taken place, then said report shall be declared as 'allegation invalid'. If such reports are declared 'allegation invalid,' the name of the child, or identifying characteristics relating to the child, or the names of his parents or guardian or any other person relevant to the report, shall not be placed in the central registry, nor under any other computerized program utilized in the department."

The amendment was adopted.

Pending the question on passing the bill (House, No. 5537, amended) to be engrossed, further consideration thereof was postponed, on motion of Mr. Cox of Lowell, until the next sitting.

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 Wednesday, May 20.

House bills
- Relative to the operation of certain banking laws (House, No. 12, changed);
- Relative to investments and reserves in credit unions (House, No. 21, changed);
- To clarify certain bank investment powers (House, No. 2226);
- Regulating the release of a certain number of balloons into the environment (House, No. 4914);
- Relative to resource recovery facilities (House, No 5088);
- Relative to home improvement loans (House, No. 5151);
- Relative to the retirement rights of Raymond McGrath, a police officer of the city of Worcester (House, No. 5323); and
- Relative to the disposition and acquisition of conservation land (House, No. 5661);

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

The House report of the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 4761) of Nancy H. Evans, John C. Bradford, Bruce E. Tarr and Athan Catjakis relative to educational requirements for certain civil service positions, was accepted.

Recess.

At twenty-six minutes after one o'clock P.M., the Chair (Mr. Serra of Boston) declared a recess subject to the call of the Chair, there being no objection; and at six minutes before two o'clock the House was called to order with the Speaker in the Chair.

Order.

On motion of Mr. Voke of Chelsea, —

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

Mr. Connolly of Everett then moved that as a mark of respect to the memory of William F. Hogan, a member of the House from Everett from 1965 to 1976, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at two minutes before two o'clock P.M., on motion of Mr. Voke (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.
Tuesday, May 19, 1992.

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

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

Gracious God, we believe in You and in Your concern for us. Help us to implement in our daily living the values and precepts which You have made known to us and which offer us peace of mind and soul. As a nation, we proclaim our trust in You. Teach us, in turn, to trust each other to do what is intellectually and ethically right. By our commitment to responsive government, guide our efforts to build trust in the minds and hearts of the people in governmental and private institutions. May we motivate neighbors and constituents to share the responsibility of making our communities safe and wholesome for ourselves and for our children.

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 Gray of Framingham.

During consideration of the Orders of the Day, Mrs. Gray of Framingham 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 will not be present in the House Chamber for a portion of today's sitting due to medical reasons. Any roll calls that I may miss today will be due entirely to the reason stated.

Mrs. Gray then moved that the statement made by her 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:

James A. Ferris.

Resolutions (filed by Mr. Bradford of Rochester) congratulating James A. Ferris on the occasion of his being installed as President of the Massachusetts Funeral Directors Association;

Santo Christo Church.

Resolutions (filed by Messrs. Correia of Fall River and Herren of Fall River) congratulating Santo Christo Church of Fall River on the occasion of its one hundredth anniversary; and

Mary B. Schofield.

Resolutions (filed by Mr. Manning of Milton) upon the retirement of Mary B. Schofield as Assistant Superintendent of Schools in Milton;

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. Correia, 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 Ms. Hildt of Amesbury, petition (accompanied by bill, House, No. 5679) of Barbara Hildt and James P. Jajuga (with the approval of the mayor and city council) relative to elections in the city of Newburyport. To the committee on Election Laws.

By Mr. Kelly of Dalton, petition (accompanied by bill, House, No. 5680) of Shaun P. Kelly, Jane M. Swift, Peter J. Larkin and Edward M. Reilly (mayor) (with the approval of the mayor and city council) for legislation to authorize the licensing authority of the city of Pittsfield to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises; and

By the same member, petition (accompanied by bill, House, No. 5681) of Shaun P. Kelly, Peter J. Larkin, Jane M. Swift and Edward M. Reilly (mayor) (with the approval of the mayor and city council) for legislation to authorize the licensing authority of the city of Pittsfield to issue additional licenses for the sale of all alcoholic beverages not to be drunk on the premises; and

Severally to the committee on Government Regulations.

By Mrs. Kehoe of Dedham, petition (accompanied by bill, House, No. 5682) of Marie-Louise Kehoe, Christopher M. Lane and Gregory W. Sullivan (by vote of the town) for legislation to establish a department of public works in the town of Westwood;

By Mr. Kelly of Dalton, petition (accompanied by bill, House, No. 5683) of Shaun P. Kelly and Jane M. Swift (by vote of the town) for legislation to provide for the appointment of the treasurer of the town of Dalton; and

By Mr. Rohan of Holyoke, petition (accompanied by bill, House, No. 5684) of Robert J. Rohan, Martin J. Dunn and Walter A. DeFilippi (with the approval of the mayor and city council) for legislation to authorize the city of Holyoke to change the name of the board of aldermen to the city council and alderman to councilor; and

Severally to the committee on Local Affairs.

By Mr. DeLeo of Winthrop, petition (accompanied by bill, House, No. 5685) of Robert A. DeLeo (by vote of the town) relative to the retirement rights of Robert C. Crawford, a police officer in the city of Winthrop. To the committee on Public Service

Severally sent to the Senate for concurrence.

Mr. Goguen of Fitchburg presented a petition (subject to Joint Rule 12) of Emile J. Goguen, William Constantino, Jr., and Robert A. Antonioni for legislation to authorize the Division of Capital Planning and Operations to grant an easement in certain land located in the town of Westminster; and the same was referred, under Rule 24, to the committee on Rules.
Papers from the Senate.

Reports
Of the committee on Public Safety, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 982) of Robert C. Buell, Thomas C. Palumbo, Michael W. Morrissey, Gilbert L. Steward, Jr., and Bruce E. Tarr for legislation to further regulate the registration of antique or classic motor vehicles;

Of the petition (accompanied by bill, Senate, No. 1003) of William R. Keating, Louis L. Kafka, Paul D. Harold, Michael W. Morrissey, Daniel J. Valianti and Kevin G. Honan for legislation to control the transportation of hazardous materials in the Commonwealth;

Of the petition (accompanied by bill, Senate, No. 1010) of William R. Keating and Louis L. Kafka for legislation relative to the registration of antique automobiles; and

Of the petition (accompanied by bill, Senate, No. 1028) of Linda J. Melconian for legislation to provide for additional training of law enforcement officers;

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

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

Reports of Committees.

By Mr. 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 Kevin Poirier and Stephen J. Karol relative to reciprocity of licensing for nurses. Under suspension of Rule 42, on motion of Mr. Poirier of North Attleborough, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care. Sent to the Senate for concurrence.

By Mr. Jordan of Springfield, for the committee on Housing and Urban Development, on Senate, Nos. 504, 511 and 513 and House, Nos. 555, 732, 733, 736, 922, 1131, 1133, 1134, 1309, 1501, 1504, 1690, 1898, 1999 (as relates to the residue of Section 5), 2825, 3164, 3167, 3373, 3586, 3731, 3908, 4259, 4502, 4673, 5051, 5175 and 5179, an Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning public housing programs in the Commonwealth and other related matters (House, No. 5674). 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 Resolve providing for the creation -seal and motto.
of a special commission relative to a new seal and new motto for the Commonwealth (House, No. 2729).

By the same member, for the same committee, on a petition, a Bill establishing a museum advisory commission (House, No. 3449).

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

By Mr. Lambert of Fall River, for the committee on Education, Arts and Humanities, on Senate, No. 258 and House, Nos. 27, 28, 4833 and 4834, a Bill relative to Braille literacy (House, No. 5675).

By Mr. Moore of Uxbridge, for the committee on Election Laws, on Senate, No. 291 and House, Nos. 2808 and 4846, a Bill relative to accountable politics (House, No. 5676).

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, Nos. 3 and 7, a Bill relative to oversight of private foundations of institutions of public higher education (House, No. 7).

By the same member, for the same committee, on House, Nos. 124 and 130, a Bill further regulating the establishment and administration of certain funds by state agencies (House, No. 130).

By the same member, for the same committee, on House, Nos. 183 and 208, a Bill transferring a certain parcel of land from the Metropolitan District Commission to the Department of Correction (House, No. 208).

By the same member, for the same committee, on a petition, a Bill to provide minimum ventilation in state leased and newly constructed state buildings (House, No. 833).

By the same member, for the same committee, on House, Nos. 1223 and 1991, a Bill to require family impact statements (House, No. 1223).

By the same member, for the same committee, on a petition, a Bill to promote purchase of Massachusetts grown and produced products and to reveal compliance with the Small Business Purchasing Act of 1976, with respect to state food purchasing (House, No. 1226).

By the same member, for the same committee, on House, Nos. 1228 and 3294, a Bill expanding the authority of the Bureau of Special Investigations (House, No. 1228).

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

By the same member, for the same committee, on a petition, a Bill restricting state agencies from expending funds to lobby the General Court to appropriate funds (House, No. 1592).

By the same member, for the same committee, on a petition, a Bill clarifying provisions of the local mandates law and providing clearer remedies to cities and towns (House, No. 2001).
By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Planning and Operations to grant a conveyance of certain land located in the town of Hubbardston (House, No. 3093).

By the same member, for the same committee, on a petition, a Bill to provide improved administration and oversight of state authorized travel (House, No. 3446).

By the same member, for the same committee, on a petition, a Bill relative to the composition and authority of the Records Conservation Board (House, No. 3447).

By the same member, for the same committee, on House, Nos. 830 and 4359, a Bill providing for indoor air quality in state buildings (House, No. 4359).

By the same member, for the same committee, on a petition, a Bill to stream-line business permit and licensing services and reduce paperwork for businesses in the Commonwealth (House, No. 4364).

By the same member, for the same committee, on a petition, a Bill requiring reimbursement to municipalities for certain public safety services (House, No. 4956).

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

Engrossed Bill.

The engrossed Bill directing the Superintendent of State Office Buildings to install and maintain a plaque to honor the lasting contributions of General Marquis de Lafayette and the Franco-American community (see House, No. 5602) (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 Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill authorizing the granting of an easement on certain park land in the town of Wrentham (Senate, No. 1452), 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

Providing for a second assistant register to the Plymouth County register of deeds (House, No. 587) (its title having been changed by the committee on Bills in the Third Reading);

Relative to aircraft liens (House, No. 591); and

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

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.
The House Bill relative to the unlawful use of commercial disposal containers (House, No. 1173) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Said committee reported recommending that the bill be amended by adding at the end thereof the following paragraph:

“For purposes of this section ‘solid waste’ shall mean garbage, refuse, trash, rubbish, sludge, residue or by-products of processing or treatment of discarded material, and any other solid, semi-solid or liquid discarded material resulting from domestic, commercial, mining, industrial, agricultural, municipal, or other sources or activities, but shall not include solid or dissolved material in domestic sewage.”

The amendment was adopted; and the bill (House, No. 1173, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill conveying certain town owned land in the town of Medfield to the Medfield Community Development Corporation (Senate, No. 1512); and

House bills

Standardizing the permissible hours and days of work performed by minors under sixteen (House, No. 140);

Defining the applicability of the child labor laws in places of employment (House, No. 141);

Clarifying the laws governing the Department of Labor and Industries (House, No. 151);

Concerning the classification of prisoners (House, No. 186);

To improve competition in the furnishing of materials for use in certain public contracts (House, No. 654);

Exempting yard sales from the Sunday laws (House, No. 875);

Relative to the definition of public records (House, No. 1222);

Authorizing the Secretary of Administration and Finance to erect a plaque in memory of the 26th Infantry Division (House, No. 1404);

To regulate the sale of home food service plans (House, No. 4414);

The recommitted House Bill to amend the Massachusetts Environmental Policy Act (House, No. 4549);

Relative to the observance of Billington Sea Day (House, No. 4787);

Relative to the Community Development Block Grant (House, No. 5665); and

Relative to contractual powers of cities, towns, districts, regional school districts, regional planning commissions, regional transit authorities and counties (House, No. 5672);

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

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

Supplemental appropriations.

There being no objection, — 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. 5673) was read a second time; and it was ordered to a third reading.

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

There being no objection, — Messrs. Lionett of Worcester, Tarr of Gloucester and Hawke of Gardner moved that the bill be amended by inserting after section 12 the following section:

"SECTION 12 A. For the purpose of ascertaining the will of the voters relative to term limitations for constitutional officers of the commonwealth, the state secretary shall cause to be placed on the official ballot to be used at the biennial state election in the year nineteen hundred and ninety-two the following non-binding question: — 'Shall the Commonwealth of Massachusetts limit the terms of office of Governor, Lieutenant Governor, Secretary, Treasurer, Attorney General, Auditor, Councillor, State Senator and State Representative to eight consecutive years?'.

The state secretary shall transmit to the General Court a written statement of the results of such votes by filing the same with the clerk of the senate and the clerk of the house of representatives."

Pending the question on adoption of the amendment, Mr. Lionett asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 121 members were recorded as being in attendance.

[See Yea and Nay No. 134 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the amendment offered by Messrs. Lionett, et als (Mr. Serra of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Hawke of Gardner; and on the roll call 31 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 135 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Messrs. Lionett of Worcester, Tarr of Gloucester and Hawke of Gardner moved that the bill be amended by inserting after section 12 the following section:

"SECTION 12 A. For the purpose of ascertaining the will of the voters relative to term limitations for members of the United States Senate and Congress from the Commonwealth of Massachusetts,
the state secretary shall cause to be placed on the official ballot to be used at the biennial state election in the year nineteen hundred and ninety-two the following non-binding question: 'Shall the commonwealth limit the terms of office of United States Senators to twelve consecutive years and Representatives in Congress to eight consecutive years from Massachusetts?'.

The state secretary shall transmit to the General Court a written statement of the results of such votes by filing the same with the clerk of the senate and the clerk of the house of representatives.'.

After debate on the question on adoption of the amendment (Mr. Walsh of Agawam being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Lionett; and on the roll call 28 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 136 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Messrs. Cass of Wakefield, DeLeo of Winthrop, Reinstein of Revere, Galvin of Canton, Kafka of Sharon and Tolman of Watertown moved that the bill be amended by inserting after section 12 the following three sections:

"SECTION 12A. Chapter 372 of the acts of 1984 is hereby amended by inserting after section 11 the following section: —

Section 11A. (a) Debt for borrowed money incurred by the commonwealth in respect to the metropolitan district commission sewer system, or any predecessor thereof, shall not be assumed by said Authority; provided, however, that on and after July first, nineteen hundred and eighty-five, the Authority shall make payments to the state treasurer from the sewer division to reimburse the commonwealth for all payments made on and after July first, nineteen hundred and eighty-five by the commonwealth on account of principal, including sinking fund installments and interest on all bonds of the commonwealth issued for purposes of the former metropolitan district commission sewer system. The amount of such reimbursements, and the date on which the amounts to be reimbursed shall become due, shall be certified to the Authority by the treasurer, for each fiscal year no later than two hundred and eighty days prior to the commencement thereof; provided, however, that such amounts due on July first, nineteen hundred and eighty-five shall be certified ninety days prior thereto. The obligation of the Authority to make the reimbursements herein required shall be subordinate in every respect to the Authority's obligation for debt service on its bonds.

(b) Debt for borrowed money incurred by the commonwealth in respect to the metropolitan district commission water system, or any predecessor thereof, shall not be assumed by the Authority; provided, however, that on or after July first, nineteen hundred and eighty-five, the Authority shall make payments to the state treasurer from the water division of the Authority to reimburse the commonwealth for one-half of all payments made on or after July first, nineteen hundred and eighty-five by the commonwealth on account of principal, including sinking fund installments and interest on all

Amendment rejected,— yea and nay No. 136.
bonds of the commonwealth issued for purposes of the former metropolitan district commission water system. The amount of such reimbursements, and the date on which such amounts to be reimbursed shall become due, shall be certified to the Authority by the treasurer, for each fiscal year no later than two hundred and eighty days prior to the commencement thereof; provided, however, that such amounts due on July first, nineteen hundred and eighty-five shall be certified ninety days prior thereto. The obligation of the Authority to make the reimbursements herein required shall be subordinate in every respect to the Authority’s obligations for debt service on its bond.

SECTION 12B. Section forty-six of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 12C. Sections 12A and 12B of this act shall take effect as of July first, nineteen hundred and ninety-one.”.

The amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended in section 2 by inserting after the caption “EXECUTIVE OFFICE OF PUBLIC SAFETY.” the following item:

"Military Division.

8700-0001 .............................. 83,000”.

The amendment was adopted.

Mr. Cohen of Newton then moved that the bill be amended by inserting after section 12C (inserted by amendment) the following section:

“SECTION 12D. Notwithstanding any general or special law to the contrary, on or before June fifteenth, nineteen hundred and ninety-two, the commissioner of the department of social services shall develop and submit to the senate and house committees on ways and means a contingency plan setting forth the means by which the department, as of July first, nineteen hundred and ninety-two, shall fill substantially all of the contracted child care slots allocated in the budget for the fiscal year ending June thirtieth, nineteen hundred and ninety-three. In preparing such plan, the commissioner shall assume that the number of child care contract slot allocated in said budget shall be equal to the number of such slots existing as of March first, nineteen hundred and ninety-two.”.

The amendment was adopted.

Ms. Buell of Greenfield then moved that the bill be amended by inserting after section 12D (inserted by amendment) the following two sections:

“SECTION 12E. Section 17A of chapter 118F as most recently amended by chapter 495 of the acts of 1991 is hereby amended in line three of paragraph (i) by striking out the word ‘through’ and inserting in place thereof the words ‘up to’; and in line four by striking the ‘eighteen E’ and inserting in place thereof the words ‘eighteen E’; and in line five by striking out the words ‘section eight B of chapter one hundred and seventy-six G’ and inserting in
place thereof the words ‘section eight B of chapter one hundred and seventy-six A, section four C of chapter one hundred and seventy-six B and section four of chapter one hundred and seventy-six G’.

SECTION 12F. Section 2 of chapter one hundred and thirty-eight of the acts of 1991 is hereby amended in item 4600-1200 by striking the words ‘six A and six B of chapter one hundred and eighteen E’ and inserting in place thereof the words ‘seventeen A of chapter one hundred eighteen F’; and in item 4600-1210 of said section 2 by striking out the word ‘fifteen’ and inserting in place thereof the words ‘seventeen A’.

The amendment was adopted.

Mr. Hodgkins of Lee then moved that the bill be amended by inserting after section 12F (inserted by amendment) the following section:

“SECTION 12G. That for the purpose of discharging a moral obligation of the Commonwealth, there shall be allowed and paid out of the state treasury, subject to appropriation, to Ashmere Manor Nursing Home Inc. the sum of one hundred and twenty-three thousand, nine hundred and eighty-three dollars and thirty-five cents for medicaid reimbursements that were withheld in nineteen hundred and eighty.”

The amendment was adopted.

Mr. Palumbo of Newbury then moved that the bill be amended by inserting after section 12G (inserted by amendment) the following section:

“SECTION 12H. Chapter 23 of the Acts of 1992 is hereby amended in section 2A, by striking out in item 7010-0001 the following language: — provided, however, that monies appropriated herein shall be subject to the conditions and approval process contained in section four of chapter four hundred and ninety-three of the acts of nineteen hundred and ninety-one.”

The amendment was adopted.

There being no objection, — Representatives Pacheco of Taunton and Menard of Somerset moved that the bill be amended by inserting after section 12H (inserted by amendment) the following section:

“SECTION 12I. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall conduct a study of the feasibility and the long range goals of privatization, consolidation or closure of any state facility, property or function the administration plans to privatize and submit it to the house and senate committee on ways and means. 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 and the governor. Provided that: said section shall not apply to any facility, property and function privatized consolidated or closed prior to March fifteenth, nineteen hundred and ninety-two. Provided further that: said section shall not apply to the renewal
for the same type and amount of functions of any contract existing
prior to March fifteenth, nineteen hundred and ninety-two. The plan
for Danvers State hospital shall be submitted no later than May
twenty-ninth, nineteen hundred and ninety-two.”.

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. Forman of Plymouth; and on the roll call 114 members voted
in the affirmative and 31 in the negative.

[See Yea and Nay No. 137 in Supplement.]

Therefore the amendment was adopted.

The bill, as amended, then 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. 5686, printed
as amended) then was sent to the Senate for concurrence.

The House Bill relative to the reporting of child abuse and neglect
(House, No. 5537, amended) was considered.

Pending the question on passing the bill to be engrossed, Mr.
Forman of Plymouth moved that it be amended in section 1
by adding at the end thereof the following sentence: “This section
shall not apply to mandated reporters as listed in Section 51A of
Chapter 119 of the Massachusetts General Laws.”.

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. Serra of Boston being
in the Chair) 8 members voted in the affirmative and 137 in the
negative.

[See Yea and Nay No. 138 in Supplement.]

Therefore the amendment was rejected.

The bill (House, No. 5537, amended) then was passed to be
engrossed. Sent to the Senate for concurrence.

The Speaker being in the Chair, — the House report of the
committee on Public Service, ought NOT to pass, on the petition
(accompanied by bill, House, No. 4758) of Nancy H. Evans and
John C. Bradford for legislation to prohibit political activities of
certain public employees, was considered.

Pending the question on acceptance of the report, further
consideration thereof was postponed, on motion of Ms. Evans of
Wayland, until after disposition of the remaining matters in the
Orders of the Day.

The House Bill relative to participation by certain health insurers
and others in municipal health care plans (House, No. 375) was read
a second time.

Pending the question on ordering the bill to a third reading,
further consideration thereof was postponed, on motion of
Mrs. McKenna of Holden, until after disposition of the remaining
matters in the Orders of the Day.
The House Bill to protect consumers from deceptive advertising (House, No. 501) was read a second time.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Commerce and Labor, on motion of Ms. Bump of Braintree.

House bills
Regulating the labelling of certain foodstuffs (House, No. 689); and
Further regulating mortgage lending (House, No. 2223, changed); Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to the payment of wages of operators of rented motor vehicle equipment (House, No. 2590) was read a second time.

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

The House Bill providing for the payment of certain wages to the drivers of concrete trucks (House, No. 2591) was read a second time; and it was ordered to a third reading.

The House Bill increasing the retirement allowance of certain former employees (House, No. 3790) was read a second time.

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

The House Bill relative to establishing certain alternative approaches to providing health insurance for employees of governmental units (House, No. 5671) was read a second time; and it was ordered to a third reading.

Order.

On motion of Mr. DiMasi of Boston, —

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.; when the House adjourns on Thursday, it adjourn to meet on the following Tuesday at eleven o'clock A.M.; when the House adjourns on Tuesday, it adjourn to meet on the following Wednesday 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 next two sittings.
Mr. Scaccia of Boston then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes before four o’clock P.M. (the Speaker 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.

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

God, Our Creator, on Monday we, the people of this country, observe Memorial Day, a national holiday. We honor and remember the members of the armed forces who have died in military action. We are grateful for their patriotism and personal sacrifices as well as for the sacrifices of their families. On Memorial Day we also remember our own beloved deceased family, friends and neighbors. Grant them eternal peace and happiness.

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.

Appointments to a House Standing Committee.

The Speaker announced the appointment of Representative Donovan of Woburn to the sixth position on the committee on Ethics and Representative Haley of Weymouth to the seventh position on said committee to fill existing vacancies.

Resolutions.

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

Resolutions (filed by Messrs. Brett of Boston and Merced of Boston) commemorating St. Peter’s Parish in Dorchester on its one hundred and twentieth anniversary;

Resolutions (filed by Mrs. Cleven of Chelmsford) congratulating George Betses on the occasion of his retirement from the Chelmsford public schools;

Resolutions (filed by Mr. Gonsalves of Dartmouth) on the observance of the week beginning June seventh, nineteen hundred and ninety-two as National Safe Boating Week;

Resolutions (filed by Mr. Haley of Weymouth) congratulating Donald “Dag” Hanifan on the occasion of his retirement from the town of Weymouth Department of Public Works;

Resolutions (filed by Mr. Hawke of Gardner) congratulating Mr. and Mrs. John L. and Elizabeth Goodrich on being designated as Mr. and Mrs. Grange 1992;

Resolutions (filed by Mr. McIntyre of New Bedford) congratulating Theodore J. Calnan on the occasion of his retirement;

Resolutions (filed by Mr. McIntyre of New Bedford) congratulating John F. Robinson on the occasion of his retirement;
Resolutions (filed by Mr. Morrissey of Quincy) congratulating Carl A. Larson on being named the Independent Order of Vikings' "Viking of the Year" for nineteen hundred and ninety-two;

Resolutions (filed by Ms. O'Brien of Hanover) congratulating Lieutenant Colonel Brian Duffy upon the successful completion of the space flight Atlas-I;

Resolutions (filed by Ms. Resor of Acton) congratulating Michael A. Sussman on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Rourke of Lowell) congratulating Francis X. Moriarty on the occasion of his retirement from the Lowell Public Schools;

Resolutions (filed by Mr. Scibelli of Springfield) congratulating Gene F. Basili on the occasion of his retirement;

Resolutions (filed by Mr. Sullivan of Springfield) congratulating Chester J. Millett, Jr., on the occasion of his retirement as Superintendent of the Abington Public Schools;

Resolutions (filed by Mrs. Walrath of Stow) congratulating David J. Quinn on the occasion of his retirement from the Hudson Public Schools; and

Resolutions (filed by Mr. Woodward of Walpole) congratulating Dorothy Jackson 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. Merced, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Quarterly Report.

A quarterly report of the Commissioner of the Division of Capital Planning and Operations (under Paragraph 1 of 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, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Brenton of Burlington, petition (accompanied by bill, House, No. 5688) of Marianne Brenton, James R. Miceli, Robert C. Krekorian and Robert C. Buell (by vote of the town) for legislation to authorize the town of Wilmington to borrow a certain sum of money to pay Avco Manufacturing Corporation;

By Mr. Healy of Charlemont, petition (accompanied by bill, House, No. 5689) of Jonathan L. Healy and Stanley C. Rosenberg (by vote of the town) for legislation to authorize the town of Ashfield to construct a wastewater treatment facility;

By Mr. Pacheco of Taunton, petition (accompanied by bill, House, No. 5690) of Marc R. Pacheco and Joan M. Menard (with the approval of the mayor and municipal council) relative to the
control of evictions and discontinuances in mobile home park accommodations in the city of Taunton; and

By Mr. Petrolati of Ludlow, petition (accompanied by bill, House, No. 5691) of Thomas M. Petrolati (by vote of the town) relative to zoning restrictions within the flight overlay zone in the town of Ludlow;

Severally to the committee on Local Affairs.

By Mr. Pacheco of Taunton, petition (accompanied by bill, House, No. 5692) of Marc R. Pacheco (with the approval of the mayor and municipal council) relative to the rank for certain police officers in the city of Taunton. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Mr. Cox of Lowell presented a petition (subject to Joint Rule 12) of John F. Cox, Susan F. Rourke, Edward A. LeLacheur and Nancy Achin Sullivan relative to tourist promotion agencies; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Serra of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Ms. Rourke of Lowell, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Commerce and Labor. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. DeLeo of Winthrop, petition (subject to Joint Rule 12) of Robert A. DeLeo (by vote of the town) for legislation to authorize the town of Winthrop to establish a retirement system funding schedule.

By Mr. Hermann of North Andover, petition (subject to Joint Rule 12) of Joseph N. Hermann and another relative to the sale of firearms.

By Mr. Herren of Fall River, petition (subject to Joint Rule 12) of Albert Herren, Robert Correia, Edward M. Lambert, Jr., and Joan M. Menard (with the approval of the mayor and city council) for legislation to authorize the city of Fall River to establish a retirement system funding schedule.

By Mr. Hodgkins of Lee, petition (subject to Joint Rule 12) of Christopher J. Hodgkins relative to the use of in-line skates, rollerskis and skateboards.

By the same member, petition (subject to Joint Rule 12) of Christopher J. Hodgkins, Peter J. Larkin, Daniel E. Bosley, Jane M. Swift and Shaun P. Kelly for legislation to authorize the District Court Department of the Trial Court to establish a sick leave bank for Linda Maillette, an employee of the Pittsfield Division of said court.

By Ms. Jehlen of Somerville, petition (subject to Joint Rule 12) of Patricia D. Jehlen and other members of the General Court relative to the limitation of criminal prosecution for rape.
"Gross income",—taxation.

Higher education,—funding.

Property,—distribution.

Jeff Rogers,—sick leave bank.

Women inmates,—restitution.

Vivan Davidovich,—sick leave bank.

Hingham,—Muzzi’s Corner.

Medicaid,—benefit forms.

Chilmark,—conservation land.

Retirement income,—taxation.

Supplemental appropriations,—Office for Children.
A petition of W. Paul White for legislation relative to the Central Credit Union Fund, Inc., came from the Senate referred, under suspension of Joint Rule 12, to the committee on Banks and Banking.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1587) was referred, in concurrence, to the committee on Banks and Banking.

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 Geoffrey D. Hall relative to the payment of interest on life insurance policies. To the committee on Insurance.

Petition (accompanied by bill) of Paul E. Caron and James P. Jajuga relative to the operation of motor freight carriers on and off the national network; and

Petition (accompanied by bill) of Paul E. Caron and James P. Jajuga relative to the regulation of carriage horses and the operation of horse drawn carriages for public hire on public roads and ways of the Commonwealth;

Severally to the committee on Public Safety.

Petition (accompanied by bill) of the Brotherhood of Locomotive Engineers, Warren E. Tolman, Louis L. Kafka and another for legislation to provide counselling services and medical leave for crew members of a railroad corporation or railway company involved in an accident resulting in a death. To the committee on Transportation.

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

By Mr. Blanchette of Lawrence, for the committee on Public Service, recommending that the annual report of the Division of Public Employee Retirement Administration (under Section 102 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living index for the year 1991 when compared with such index for the year 1990 (House, No. 4401) be placed on file. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

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. 5629) of Charles J. Livingstone for legislation to establish a freeze of water and sewer rates of the Water Resources Authority, — 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. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on Senate, Nos. 563, 539, 546, 549, 550, 553, 559, 562, 563, 566, 567, 569, 571, 572, 578, 586, 587, 590, 602, 610, and 618 and House, Nos. 163, 166, 365, 366, 568, 737, 741, 747, 932, 934, 936, 1140, 1900, 2078, 2079, 2089, 2091, 2313, 2454, 2671, 2677, 2830, 3022, 3023, 3024, 3169, 3171, 3175, 3374, 3592, 3593, 3737, 3742, 3917, 4112, 4264, 4265, 4266, 4677, 4678, 4681, 4683, 4686, 4879, 4881, 4882, 4884, 4885, 4886, 4887, 4888, 4889, 5055 and 5276, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain Senate and House documents concerning public assistance programs and other related matters (House, No. 5693).

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on Senate, Nos. 902, 928, 930, 937, and 953 and House, Nos. 612, 781, 782, 783, 784, 785, 791, 973, 1181, 1353, 1960, 1994, 2339, 3063, 3064, 3625, 3629, 3770, 4532, 4533, 4538, 4543, 4547, 4731 and 4732, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning hazardous waste management in the Commonwealth (House, No. 5694).

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

By Mr. Brett of Boston, for the committee on Banks and Banking, on House, Nos. 9 and 14, a Bill relative to the regulatory powers of the Commissioner of Banks (House, No. 14).

By the same member, for the same committee, on a petition, a Bill making the deposit of public monies uniform (House, No. 2219, changed by inserting after the word “council;”, in line 11, the following: “provided, however, that the state treasurer shall not include in any such list any state-chartered bank having a descriptive rating of (c) or (d) under section fourteen of chapter one hundred and sixty-seven or any federally insured depository institution having an assigned rating of (C) or (D) under section 807(b)(2) of the Community Reinvestment Act of 1977, 12 USC 2901 et seq.”).

By the same member, for the same committee, on House, Nos. 2936 and 4403, a Bill providing for the licensing and regulation of check cashers (House, No. 2936, changed in section 2 by striking out, in line 2, the word “ninety-one” and inserting in place thereof the word “ninety-two”).

By the same member, for the same committee, on House, Nos. 2224 and 5001, a Bill establishing the Massachusetts Security for Public Deposits Commission (House, No. 5001).

By Ms. Bump of Braintree, for the committee on Commerce and Labor, on a petition, a Bill relative to investigations and reporting for workplace safety violations (House, No. 2598).
By the same member, for the same committee, on a petition, a Bill to further reduce the cost of administering compliance with the Commonwealth’s civil rights laws (House, No. 2617).

By the same member, for the same committee, on a petition, a Bill relative to the sale of certain commodity investment products (House, No. 3322).

By the same member, for the same committee, on House, No. 2721, a Bill relating to fees, costs and penalties recovered by the Division of Public Charities (House, No. 5695).

By Mr. Bosley of North Adams, for the same committee, on a petition, a Bill further regulating the training of hazardous waste cleanup workers (House, No. 2588).

By the same member, for the same committee, on Senate, Nos. 43 and 52 and House, Nos. 300, 310, 1450, 1456, 1457, 1460, 1637, 2762, 2764, 2770, 2774, 3125, 3496 and 5152, a Bill relative to incentives for economic development (House, No. 5696).

By Mr. Jordan of Springfield, for the committee on Housing and Urban Development, on House, Nos. 2074 and 3914, a Bill clarifying removal procedures for occupants of certain residential programs (House, No. 3914).

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on House, Nos. 42 and 61, a Bill relative to the Board of Registration of Social Workers (House, No. 61).

By the same member, for the same committee, on Senate, No. 620 and House, Nos. 280 and 281, a Bill requiring the training of certain veterans agents and directors of veterans services (House, No. 281).

By the same member, for the same committee, on House, Nos. 280, 288 and 1910, a Bill relative to annuities to certain paraplegic veterans (House, No. 1910) [Cost: $132,000.00].

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on a petition, a Bill relating to infectious waste (House, No. 4539).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill clarifying the adoption of cafeteria plans for public employees (House, No. 1584).

By the same member, for the same committee, on a petition, a Bill placing certain employees of the Department of Correction in retirement Group 4 (House, No. 3082).

By the same member, for the same committee, on a petition, a Bill placing certain employees into Group 2 of the contributory retirement law (House, No. 3083).

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

Emergency Measure.

The engrossed Bill further regulating professional liability insurance for health care providers (see House, No. 5587), having been certified by the Clerk to be rightly and truly prepared for final

Civil rights laws.

Commodity investment.

Public charities, fees.

Hazardous waste cleanup workers.

Economic development.

Occupants, removal procedure.

Social Workers.

Veterans’ agents, training.

Paraplegic veterans, annuities.

Infectious waste.

Public employees, cafeteria plans.

Correction employees, retirement.

Group 2 retirement.

Health care providers.
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 20 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill making an appropriation in the Office of Children for the fiscal year ending June thirtieth, nineteen hundred and ninety-two (see Senate, No. 1586) (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. Mr. Cohen of Newton 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.

Engrossed bills

Increasing the borrowing capacity of the Montague Center Water District (see House, No. 5387);
Relative to the board of public works in the town of Wakefield (see House, No. 5405);
Relative to town meeting members in the town of Framingham (see House, No. 5427);
Amending the city of Waltham charter relative to publication of city ordinances (see House, No. 5455);
Relative to the charter of the town of Easthampton (see House, No. 5456);
Establishing a sick leave bank for a certain probation officer of the Trial Court (see House, No. 5469);
Relative to the finances of the county of Dukes County (see House, No. 5480);
Designating a certain bridge in the city of Attleboro as the Firefighter Richard A. Simkins Memorial Bridge (see House, No. 5504);
Establishing a funding schedule for the town of Saugus contributory retirement system (see House, No. 5508);
Establishing a certain funding schedule for the town of Winchester retirement system (see House, No. 5510);
Establishing a funding schedule for the city of Waltham retirement system (see House, No. 5561); and
Relative to the reporting of hate crimes (see House, No. 5584); (Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.
Orders of the Day.

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

Pending the question on concurring with the Senate in its amendment, as amended, further consideration thereof was postponed, on motion of Mr. Moore of Uxbridge, until Wednesday, June 3.

At twenty-eight minutes after eleven o’clock A.M., on motion of Mr. Cohen of Newton (the Speaker being in the Chair), the House adjourned, to meet on Tuesday next at eleven o’clock A.M., in an Informal Session.
Tuesday, May 26, 1992.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session.

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

Eternal God, we pause to turn our thoughts to You, Our Creator, and to reflect on the importance of the spiritual and transcendent dimension of our daily living. Help us to overlook and forgive the human failures which we think we see in others. Teach us to look for the good will and good intentions in friends, neighbors and constituents. Grant us the good sense to unite minds, hearts and hands in building a more just, thoughtful and creative society. Encourage us to help each other in our quest for happiness and meaning in our lives.

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.

Resignation of Representative Francis H. Woodward of Walpole.

The following communication, received by the Clerk from the Office of the Speaker of the House on Friday, May 22, was read for the information of the House; and placed on file.


The Honorable CHARLES F. FLAHERTY
Speaker of the House of Representatives
State House, Room 356
Boston, Massachusetts 02133

Dear Mr. Speaker:

This letter is to inform you that effective at 5:00 P.M. today, I hereby resign my seat as the State Representative from the 9th Norfolk District.

It has been an honor and pleasure to serve and work with you and other members of the House over the past sixteen years. I respectfully request that notice of my resignation be included in the House Journal.

With every good wish, I remain

Sincerely yours,

FRANCIS H. WOODWARD,
State Representative.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:
Resolutions (filed by Representatives Buell of Greenfield and McKenna of Holden) honoring Delight G. Haines on her many years of service to the town of Petersham;

Resolutions (filed by Ms. Gibson of Belmont) congratulating Claire Kinneen on the occasion of her retirement; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Mr. and Mrs. Herbert S. Potter, Jr., on the occasion of their golden wedding anniversary;

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

Communication.

A communication from the State Racing Commission (under Section 9B of Chapter 128A of the General Laws) relative to emergency rules and regulations concerning simulcasting and inter-track wagering of horse and dog racing, was placed on file.

Petitions.

Mr. Sullivan of Abington presented a petition (accompanied by bill, House, No. 5709) of Michael J. Sullivan (by vote of the town) for legislation to authorize the town of Whitman to recall elected officials; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Brenton of Burlington (by request), petition (subject to Joint Rule 12) of Marv Daniels for legislation to authorize a boy or girl eight years of age or older to be employed in the sale or delivery of newspapers.

By Mr. Coon of Andover (by request), petition (subject to Joint Rule 12) of Joyce E. Young relative to the unlawful use of controlled substances during pregnancy.

By Ms. Hildt of Amesbury, petition (subject to Joint Rule 12) of Barbara Hildt relative to the statute of limitations for filing civil damage suits by minor victims of sexual abuse.

By Mr. Lawless of Orleans, petition (subject to Joint Rule 12) of Robert C. Lawless for legislation to make inmates responsible for reimbursing county jails and houses of correction for medical and health services provided during their incarceration.

By Mr. Mandile of Waltham, petition (subject to Joint Rule 12) of Anthony M. Mandile for legislation to authorize the Registrar of Motor Vehicles to establish a remote entry processing system center in connection with a pilot program for insurance agents and runners for automobile dealers.

By Mr. Moore of Uxbridge, petition (subject to Joint Rule 12) of Richard Schofield, Richard T. Moore and Marie J. Parente.
relative to examinations for children in the custody of the Department of Social Services.

By the same member, petition (subject to Joint Rule 12) of Richard Schofield, Richard T. Moore and Marie J. Parente for legislation to require the Department of Social Services to provide certain rights to parents upon the receipt of an injured child report. Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 1585) of Erving H. Wall, Jr. (by vote of the town) for legislation to establish a board of health in the town of Marion, was referred, in concurrence, to the committee on Local Affairs.

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

Petition (accompanied by bill, Senate, No. 1591) of Donald Ingeneri for legislation to exempt unemployment benefits from taxation; and

Petition (accompanied by bill, Senate, No. 1592) of Patricia McGovern, Gary M. Coon, Kevin P. Blanchette, Joseph N. Hermann, Kevin J. Sullivan (mayor) and others (with the approval of the city council) for legislation relative to the fiscal conditions of the city of Lawrence;

Severally to the committee on Taxation.

Reports of Committees.

Mr. Serra of Boston, for the committees on Rules of the two branches, acting concurrently, to whom was referred the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning the courts of the Commonwealth and other related matters (House, No. 5663), reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3185) of Salvatore F. DiMasi relative to authorizing the payment for accumulated sick and vacation leave to retiring justices of the Trial Court,— and recommending that the same be recommitted to the committee on the Judiciary.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. DiMasi of Boston, for the committee on the Judiciary, on House, Nos. 90, 98, 183, 190, 378, 380, 761, 1165, 1166, 1712, 1713, 2318, 2319, 2323, 2325, 2332, 2490, 2501, 2504, 2687, 2690, 2843, 3052, 3053, 3055, 3058, 3189, 3202, 3204, 3206, 3207, 3216, 3217, 3218, 3219, 3221, 3222, 3224, 3393, 3397, 3398, 4123, 4129, 5193, 5195 and 5282, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning civil matters, procedures in the courts of the Commonwealth and other related matters (House, No. 5698).
By the same member, for the same committee, on House, Nos. 279 and 5568, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning abandoned property and arrests without warrants (House, No. 5699).

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

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on a petition, a Resolve creating a commission to study the equity of funding social services throughout the Commonwealth (House, No. 928).

By the same member, for the same committee, on a petition, a Resolve to enhance the quality of care in the purchase of human services (House, No. 2309).

Severally 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 relative to county retirement systems (House, No. 2163). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mrs. Menard of Somerset, for the committees on Rules of the two branches, acting concurrently, that the Resolve extending the time within which the special commissions established to make an investigation and study relative to revising the vehicle emissions inspections and maintenance program and other matters related thereto (House, No. 5403) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Ms. Bump of Braintree, for the committee on Commerce and Labor, on a petition, a Bill to require publication of rulings made by the Commissioner of Labor and Industries (House, No. 303).

By the same member, for the same committee, on a petition, a Bill to clarify the duties of Commission of Labor and Industries and to clarify to employer sanctions for failure to give notice of continuation of employee health insurance (House, No. 2604).

By the same member, for the same committee, on a petition, a Bill authorizing the suspension of certain labor laws in an emergency (House, No. 2944, changed in section 1 by striking out, in line 4, the word “ninety-seven” and inserting in place thereof the word “ninety-five”).

By the same member, for the same committee, on a petition, a Bill providing for the imposition of 7% annual interest on wages not timely paid (House, No. 3326).

By the same member, for the same committee, on Senate, No. 16 and House, Nos. 137, 144, 2949 and 5005, a Bill to clarify bi-weekly payment of wages to certain employees (House, No. 5701).

By Mr. Giglio of Medford, for the committee on Education, Arts and Humanities, on House, Nos. 533, 706, 5436 and 5488, a Bill relative to certain tuition waivers for veterans (House, No. 5702).
By Mrs. Cleven of Chelmsford, for the same committee, on a petition, a Bill to reduce sexual harassment in schools (House, No. 5624, changed by striking out section 1 and inserting in place thereof the following section:

"SECTION 1. In every public school the problems represented by sexual harassment and the relevant laws pertaining to sexual harassment shall be encouraged instruction in health courses or any other relevant course with an objective to reduce and eliminate sexual harassment in the public schools.").

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on House, Nos. 280 and 285, a Bill authorizing the Secretary of State to print and distribute a booklet containing laws relative to veterans and veterans' organizations (House No. 285).

By the same member, for the same committee, on House, Nos. 280 and 287, a Bill relative to the reimbursement to cities and towns of certain burial expenses of indigent veterans and their dependents (House, No. 287).

By the same member, for the same committee, on Senate, Nos. 540 and 619 and House, No. 1151, a Bill to extend the time payment of veterans benefits (House, No. 1151).

By the same member, for the same committee, on a petition, a Bill to identify unmet needs for human services (House, No. 2283).

By the same member, for the same committee, on a petition, a Bill relative to limiting payments to private human service vendors for administrative services (House, No. 2290).

By the same member, for the same committee, on Senate, No. 588 and House, No. 2464, a Bill to enhance the financial stability of sheltered workshops and supported work programs (House, No. 2464).

By the same member, for the same committee, on a petition, a Bill requiring certain private human service agencies to document their ability to perform certain services to certain minority, ethnic, racial or linguistic communities (House, No. 4507, changed by striking out, in lines 8, 9 and 10, the words "; furthermore, staffing pattern and membership on the board of directors of any such private human service agency shall reflect the client population to be served").

By the same member, for the same committee, on a petition, a Bill making an appropriation for payment to residents who served in the Persian Gulf conflict (House, No. 5340) [Cost: $5,000,000.00].

By the same member, for the same committee, on House, Nos. 742 and 2465, a Bill to protect the rights of mentally ill and mentally retarded persons (House, No. 5703).

By the same member, for the same committee, on House, No. 1704, a Bill relative to the wartime service of Persian Gulf War veterans (House, No. 5704).

By the same member, for the same committee, on House, No. 2462, a Bill to increase the availability of rehabilitation services for head injured persons (House, No. 5705).
By the same member, for the same committee, on House, No. 2672, a Bill directing the Executive Office of Human Services to study the feasibility of a central in-take bureau to refer applicants to the proper agency (House, No. 5706).

By the same member, for the same committee, on House, No. 4110, a Bill relative to mandating preservice and inservice training plans for mental health and social service workers (House, No. 5707).

By Ms. Hildt of Amesbury, for the same committee, on House, No. 2670, a Bill relative to the Division of Child-Adolescent and Family Support Services in the Departments of Mental Health and Mental Retardation (House, No. 5708).

By Mrs. Parente of Milford, for the same committee, on a petition, a Bill establishing a demonstration project in psychiatric rehabilitation (House, No. 933).

By Mr. Angelo of Saugus, for the committee on Natural Resources and Agriculture, on a petition, a Bill to develop a public water supply in the town of Nantucket (House, No. 5630).

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

Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor (House, No. 1), reports, in part, a Bill making appropriations for the fiscal year nineteen hundred and ninety-three for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5600) [Cost: $14,070,540,150.00 — Restricted Revenue: $446,406,452.00]. Read; and placed in the Orders of the Day for the next sitting for a second reading.

Order.

On motion of Mr. Voke of Chelsea, —

Ordered, That, notwithstanding the provisions of an order previously adopted by the House, when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to print a Calendar containing only the General Appropriation Bill for said sitting.

At six minutes after eleven o’clock A.M., on motion of Mr. Manning of Milton, the House adjourned, to meet tomorrow 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, we pray for Your gift of wisdom which enables us to make sound decisions and for the gift of fortitude which energizes us to implement our viable options. As elected officials, inspire us to unite people in a common effort to respect the rights of all and to address the needs of contemporary society. In our pluralistic society, when we disagree with others, let our disagreements be on philosophical, political or social principles. May our priorities be to encourage people to seek personal fulfillment, personal peace, meaning in their lives and to utilize their talents for the benefit of self and others.

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 Travis of Rehoboth.

During consideration of the Orders of the Day, Mr. Travis of Rehoboth 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 on Tuesday, May 12, I was absent from the House Chamber on official business in another part of the State House during the taking of Yea and Nay No. 127, on adoption of Resolutions providing for a declaration of the intent of the General Court relative to the amount and distribution of local aid to cities and towns (see House, No. 5616, amended). Had I been present for the taking of the roll call I would have been recorded in the affirmative.

Mr. Travis 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:

Adam Joseph Dichiara.

Resolutions (filed by Ms. Brenton of Burlington) congratulating Adam Joseph Dichiara on receiving the Eagle Award of the Boy Scouts of America;

Beatrice L. Briggs.

Resolutions (filed by Mr. Hall of Westford) congratulating the Honorable Beatrice L. Briggs upon the occasion of her retirement;

Clista Mary Etta Dow.

Resolutions (filed by Mr. Kafka of Sharon) congratulating Clista Mary Etta Dow on the occasion of her retirement; and
Resolutions (filed by Ms. Walsh of Boston) congratulating John F. Devlin on the occasion of his retirement;

Mrs. Menard of Somerset, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Ms. Walsh, 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. Voke of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

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

Mr. Voke, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of the same member, the order was considered forthwith.

After debate on the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 114 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 139 in Supplement.]
Therefore the order was adopted. Sent to the Senate for concurrence.

Petitions.

Mr. DiMasi of Boston presented a petition (subject to Joint Rule 12) of AFSCME Council 93 and Salvatore F. DiMasi that certain job classifications in public works, police and fire departments of cities and towns be included in Group 4 of the public employees retirement law; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Serra of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. DiMasi, 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. Scaccia of Boston presented a petition (subject to Joint Rule 12) of AFSCME Council 93 and Angelo M. Scaccia that certain employees of county jails and houses of correction be included in the “heart law”, so-called, of the public employees retirement law; and the same was referred, under Rule 24, to the committee on Rules.

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

Papers from the Senate.

The 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. 5686) 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 1595.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker then appointed Representatives Finneran, Kennedy of Brockton and Poirier of North Attleborough as the committee on the part of the House. Sent to the Senate to be jointly.

A communication from the Massachusetts State Racing Commission relative to rules and regulations regarding simulcasting and inter-track wagering of horse and dog racing (Senate, No. 1593) was referred, in concurrence, to the committee on Government Regulations.

A report of the committee on Taxation, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1592) of Patricia McGovern, Gary M. Coon, Kevin P. Blanchette, Joseph N. Hermann, Kevin J. Sullivan (mayor) and others (with the approval of the city council) for legislation relative to the fiscal conditions of the city of Lawrence, and recommending that the same be referred to the Senate committee on Ways and Means, — accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

A report of the committee on Education, Arts and Humanities, asking to be discharged from further consideration of a part of the petition (section 2) (accompanied by bill, Senate, No. 241) of Bill Owens and Shirley Owens-Hicks for legislation to establish a public dispute resolution institute at the University of Massachusetts, and recommending that the same be referred to the committee on the Judiciary, — accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.
A petition (accompanied by bill, Senate, No. 1590) of Erving H. Wall, Jr. (with the approval of the mayor and municipal council) for legislation to provide for the control of evictions and discontinuities in mobile home park accommodations in the city of Taunton, was referred, in concurrence, to the committee on Local Affairs.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Kevin O'Sullivan relative to the duties of the State Geologist. Under suspension of Rule 42, on motion of Mr. O'Sullivan of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on House, No. 5565, a Bill to establish a funding schedule for the city of Lowell retirement system (House, No. 5697), which was read [Local Approval Received].

Under suspension of Rule 41, 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 (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 establishing a funding schedule for the city of Lowell retirement system. Mr. LeLacheur of Lowell then 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. 5697) then was sent to the Senate for concurrence.

By Mr. DiMasi of Boston, for the committee on the Judiciary, on House, Nos. 183, 198, 382, 384, 584, 757, 758, 948, 949, 1330, 1520, 1524, 1526, 1926, 1927, 1934, 1935, 1936, 1938, 1945, 2101, 2103, 2104, 2105, 2106, 2326, 2327, 2329, 2497, 2500, 2503, 2511, 2683, 2684, 2686, 2836, 2838, 2840, 2845, 2846, 3057, 3187, 3226, 3399, 3406, 3407, 3409, 3607, 3930, 4125, 4271, 4273, 4274, 4522, 4525, 4694, 4696, 4700, 4711, 4714, 4716, 4906, 4907, 4908, 4909, 5065, 5073, 5186 and 5414, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning criminal procedure in the courts of the Commonwealth and other related matters (House, No. 5715).

By Mr. Caron of Springfield, for the committee on Public Safety, on Senate, No. 992 and House, Nos. 1749, 1968, 2139, 3076, 3968, 3969, 4296 and 4741, an Order relative to authorizing the committee
on Public Safety to make an investigation and study of certain Senate and House documents concerning fire sprinkler contractors, fire prevention, the safety of fire fighters and other related matters (House, No. 5716).

By the same member, for the same committee, on Senate, Nos. 997 and 1007 and House, Nos. 795, 1760, 3252, 4301 and 4578, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents concerning the licensing of firearms, the issuance of firearms identification cards and other related matters (House, No. 5717).

By the same member, for the same committee, on Senate, No. 999 and House, Nos. 1569, 2140, 2141, 2524, 2525, 3071, 3245, 3256 and 4155, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents concerning high speed pursuits by police officers (House, No. 5718).

By the same member, for the same committee, on House, Nos. 216, 224 and 1012, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning employment of traffic supervisors on state road construction projects (House, No. 5719).

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

By Ms. Buell of Greenfield, for the committee on Health Care, on Senate, Nos. 395 and 463 and House, Nos. 1121, 1122, 2446, 2657, 3365 and 3582, a Bill to ensure early and periodic screening, diagnosis and treatment of child health problems (House, No. 3582).

By the same member, for the same committee, on House, No. 1301, a Bill establishing the licensing of congregate living health facilities (House, No. 5720).

By Ms. Jehlen of Somerville, for the same committee, on Senate, Nos. 413 and 457 and House, No. 5562, a Bill for consumer protection through the regulation of the sale and dispensing of hearing aids, the licensing of hearing aid specialists and apprentices (House, No. 5721).

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill relative to dental benefits for employees in the Executive and constitutional branches of government (House, No. 3429).

By the same member, for the same committee, on House, Nos. 417, 1389, 1392, 1586, 2182 and 4326, a Bill relative to disability retirements (House, No. 5722).

By the same member, for the same committee, on House, No. 1211, a Bill relative to the retirement rights of state fire fighters (House, No. 5723).

By the same member, for the same committee, on House, No. 2149, a Bill further regulating retirement laws (House, No. 5724).
By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill authorizing reimbursement of the Sheffield Water Company (House, No. 1596).

By the same member, for the same committee, on a petition, a Bill requiring the State Secretary to notify city and town clerks of changes in regulations affecting public health or safety (House, No. 1786).

By the same member, for the same committee, on a petition, a Bill to require public agencies to make payments to contractors and subcontractors on building construction contracts promptly and to use reasonable procedures to close out such contracts promptly after substantial completion (House, No. 2732).

By the same member, for the same committee, on a petition, a Bill relative to the administration of the laws governing lobbying (House, No. 3295).

By the same member, for the same committee, on Senate, No. 1137 and House, No. 3809, a Bill relative to the adoption, amendment or repeal of regulations by certain public agencies (House, No. 3809).

By the same member, for the same committee, on a petition, a Bill authorizing the Commissioner of the Division of Capital Planning and Operations to accept on behalf of the Commonwealth a memorial to law enforcement personnel killed in the line of duty in the Commonwealth and to locate the monument on the northeast parking area, so called, of the State House grounds (House, No. 5120).

By the same member, for the same committee, on a petition, a Bill relative to the professional administration of the office of the Inspector General (House, No. 5247).

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

Emergency Measure.

The engrossed Bill establishing sick leave banks for certain employees of the Commonwealth (see House, No. 5484, 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 15 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.

Engrossed Bills.

The engrossed Bill further regulating professional liability insurance for health care providers (see House, No. 5587) (which
Engrossed bills

Establishing a landfill capping expense fund in the town of Dartmouth (see House, No. 5309); and
Relative to consolidated departments of municipal finance (see House, No. 5542);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the granting of an easement on certain park land in the town of Wrentham (see Senate, No. 1452) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 133 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 140 in Supplement.]

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

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

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) (which had been returned by His Excellency the Governor with recommendation of amendment), in respect to which the Senate had concurred in adoption of the emergency preamble, was 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. Blanchette of Lawrence; and on the roll call 140 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 141 in Supplement.]
Therefore the bill was passed to be re-enacted, without amendment. Mr. Blanchette then 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.

Orders of the Day.

There being no objection, — a Bill authorizing the city of Pittsfield to accept certain statutes at a special election (House, No. 5453) (its title having been changed by the committee on Bills in the Third Reading), having been 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.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-three for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5600) was read a second time; and, after debate (Mr. Serra of Boston being in the Chair), it was ordered to a third reading.

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

Pending the question on passing the bill to be engrossed, Mr. Forman of Plymouth moved that it be amended by striking out section 174.

Pending the question on adoption of the amendment, Mr. DeFilippi of West Springfield asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Serra), 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. 142 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the amendment offered by Mr. Forman of Plymouth (Mr. Walsh of Agawam 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 68 members voted in the affirmative and 82 in the negative.

[See Yea and Nay No. 143 in Supplement.]

Therefore the amendment was rejected.

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

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

Ms. Schur of Newton then moved that the bill be amended in section 2, in item 2440-1000, by inserting after the word “positions”, in line 6, the words “; provided that fifteen thousand dollars be allocated for the continued scientific monitoring of the aquatic weed control and herbicide application in the area known as Ware’s Cove on the Charles River”. After remarks the amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 4570-3000, by inserting after the word “Laws,”, in line 3, the following: “; provided that the department shall continue to accept applications pursuant to section 25C½ (a) and (a) (4) of the General Laws for facilities in underbedded urban areas”. After remarks the amendment was adopted.

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

“SECTION 284. Section 25C of Chapter 111 of the General Laws as appearing in the 1990 Official Edition is hereby amended by adding at the end of the ninth paragraph thereof in line 158, the following new sentence: — No such determination shall be either marketable or transferable without the prior approval of the department; and further, in line 151 after the word ‘extended’ by adding the words ‘on an annual basis’, in line 152 after the word ‘determination’ by adding the words, ‘or extension’, and further, in line 158 after the word ‘require,’ by adding the following new sentence: — Upon failure to comply with the foregoing, the department shall, with due notice, recall the determination.”.

After remarks the amendment was adopted.

There being no objection, — Representative Schur of Newton and other members of the House moved that the bill be amended in section 2, above item 7005-0003, under “Program Objectives 1.” by inserting after the word “seniors”, in line 2, the words “offering participation to equal numbers of male and female students”; and in “Performance Measures lb. and lc.” by inserting after the word “students”, in line 1, in each instance, the words “by sex”.

After remarks the amendments were adopted.

Mr. Serra of Boston being in the Chair, — Representative Schur of Newton and other members of the House moved, there being no objection, that the bill be amended in section 2, in item 7005-0003, by inserting after the word “program”, in line 1, the words “; provided that every effort be made to recruit and serve equal
numbers of male and female students"; and after remarks the amendment was adopted.

Mr. Ranieri of Bellingham then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 285. Clause (52) of section 6 of chapter 136 of the General Laws, added by section 316 of chapter 150 of the acts of 1990, is hereby amended by striking out clause (a) and inserting in place thereof the following clause: —

(a) on the Sunday immediately preceding Thanksgiving day and each Sunday thereafter until and including the Sunday immediately preceding New Year’s day by retail establishments throughout the commonwealth licensed under section fifteen of chapter one hundred and thirty-eight.

SECTION 286. Said section 6 of said chapter 136 is hereby further amended by striking out clause (52), added by chapter 302 of the acts of 1990, and inserting in place thereof the following clause: —

(53) The operation of commercial auto schools, otherwise known as driver education.

After remarks the amendment was adopted.

Mr. Giglio of Medford then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 287. Section 2 of chapter 65C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection: —

(a) A tax computed in accordance with the following table less the credit, if any, provided in subsection (a) of section three, is hereby imposed on the transfer of the Massachusetts taxable estate of every deceased resident of Massachusetts: —

<table>
<thead>
<tr>
<th>If the Massachusetts taxable estate is:</th>
<th>The Massachusetts estate tax shall be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 0</td>
<td>5% of taxable estate</td>
</tr>
<tr>
<td>But not over 200,000</td>
<td>$2,500 plus 7% of excess over 200,000</td>
</tr>
<tr>
<td>200,000</td>
<td>$6,000 plus 9% of excess over 400,000</td>
</tr>
<tr>
<td>400,000</td>
<td>$15,000 plus 10% of excess over 600,000</td>
</tr>
<tr>
<td>600,000</td>
<td>$35,000 plus 11% of excess over 800,000</td>
</tr>
<tr>
<td>800,000</td>
<td>$57,000 plus 12% of excess over 1,000,000</td>
</tr>
<tr>
<td>1,000,000</td>
<td>$81,000 plus 13% of excess over 2,000,000</td>
</tr>
<tr>
<td>2,000,000</td>
<td>$107,000 plus 14% of excess over 4,000,000</td>
</tr>
</tbody>
</table>

; provided however that the tax under this subsection shall not be greater than twenty per cent of the amount by which the Massachusetts net estate exceeds two hundred thousand dollars.

After remarks the amendment was rejected.

Mr. Bosley of North Adams then moved that the bill be amended by inserting after section 174 the following section:

"SECTION 174A. Chapter 62, Section 2(b)(A) of the Massachusetts General Laws (1984 Official Edition) is hereby amended by
inserting in line 87 after the word ‘association’ the words ‘or banking partnership’.

The amendment was adopted.

There being no objection, — Representatives Lambert of Fall River, Bosley of North Adams, Menard of Somerset, Gonsalves of Dartmouth, Gardner of Holliston and Hildt of Amesbury moved that the bill be amended by inserting after section 179 the following two sections:

“SECTION 179A. Chapter sixty-nine of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section thirty-six the following two sections:

Section 37. The department of education in coordination with other state agencies shall develop a comprehensive system subject to appropriation for the delivery of adult basic education and literacy services that will ensure opportunities leading to universal basic adult literacy and better employment opportunities.

Said system shall be designed to strengthen, enhance, and where needed, to create intensive community based literacy programs for AFDC recipients and other unemployed and marginally employed adults who need a foundation of basic skills to qualify for further education, job training and employment. These trainees shall include parents of young children who need strong basic skills to move their families out of poverty and raise the educational aspirations of their children.

Said systems shall also include instruction for immigrants, migrants, and refugees who need English language and literacy skills to function effectively at home and in the workplace.

Instruction to the aforesaid populations will emphasize instruction at the lowest grade levels.

Said system shall further include instruction for young persons, aged sixteen through twenty-four, who have dropped out of school without sufficient skills to qualify for employment. Instruction shall be designed with emphasis on linking education with vocational training and supported work.

Section 38. In order to accomplish the goals set out in section one of this act and to strengthen the capacity of the current adult literacy network, the department of education shall distribute grants to provide comprehensive literacy services, including support services, in the context of adults' daily lives in their communities, including, but not limited to, public housing, schools, the work place, correctional institutions, community-based organizations, community colleges, libraries, and in social and cultural organizations.

The department shall endeavor to develop the following objectives: (1) a full continuum of services that take an adult from the lowest level of literacy or English language proficiency through high school completion leading to advanced education and training; (2) a network of well-trained, full-time adult literacy and English as a second language professional instructors, qualified to provide high quality effective services; (3) a strong documentation and
evaluation capacity that will enable the state to determine what methods of instruction and what means of service delivery are most effective in educating adults; and (4) and coordinated accountability mechanisms that simplify existing reporting and refunding processes.

SECTION 179B. Current funding mechanisms are not adequate to accomplish the goals set out in section one of this act. Whereas the system envisioned must enable our schools, our communities, and our economy to benefit from the untapped potential of almost one-third of our Commonwealth's under-educated adults, only a small handful can presently access these services. The Department of Education shall, therefore, convene a working committee to devise and recommend more adequate and appropriate adult basic education funding mechanisms. The working committee will include one representative each of the Departments of Education, Public Welfare, Employment and Training, the Education and Human Services Secretaries, the Governor or Lieutenant Governor, two members each from the Education and Ways and Means Committees, selected by the Senate President and Speaker of the House, and not less than five representatives drawn from a diverse cross section of the adult basic education providers and advocacy groups. The working committee shall report its findings and recommend appropriate legislation not later than October 15, 1992.

The amendment was adopted.

Mrs. Parente of Milford then moved that the bill be amended by inserting after section 186 the following section:

"SECTION 186A. Chapter 118E of the General Laws is hereby amended by inserting after section 4B the following section:

Section 4C. The department shall furnish an explanation of benefits form to any person who receives care and assistance under the provisions of this chapter.

Any provider who furnished medical equipment or supplies under the provisions of this chapter shall furnish the recipient thereof a receipt showing the cost of same upon delivery."

The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 1107-2500, by striking out the text contained therein and inserting in place thereof the words "For the disabled persons protection division within the Office of the Inspector General, including the costs of protective services pursuant to Chapter 19C of the General Laws, including no more than forty-two positions."

After remarks (the Speaker being in the Chair), at two minutes after three o'clock P.M., on motion of Mrs. Menard of Somerset, the House recessed until the hour of four o'clock P.M.; and at that time the House was called to order with Mr. Voke of Chelsea in the Chair.

After further remarks on the question on adoption of the amendment offered by Mrs. Parente, the sense of the House was taken by yeas and nays, at the request of the same member; and Recess.

Amendment rejected — yeas and nay No. 144.
on the roll call 58 members voted in the affirmative and 90 in the negative.

[See Yea and Nay No. 144 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Representatives Schur of Newton, Finneran of Boston and DiMasi of Boston moved that the bill be amended by striking out sections 255 to 280, inclusive; and the amendment was adopted.

Mrs. Parente of Milford then moved that the bill be amended by inserting after section 101 the following section:

"SECTION 101A. Chapter 19C of the General Laws is hereby amended by striking out sections 1 to 12, inclusive, and inserting in place thereof the following: —

CHAPTER 19C
DISABLED PERSONS PROTECTION DIVISION

Section 1. In this chapter, the following words, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings: —

'Abuse', an act or omission which results in serious physical or emotional injury to a disabled person; including unconsented to sexual activity.

'Caretaker', a disabled person's parent, guardian or other person or state agency, a contractor with a state agency or a contractor's agent, responsible for a disabled person's health or welfare, whether in the same home as the disabled person, a relative's home, a foster home or any other day or residential setting.

'Contractor', any person, corporation, partnership, business, union, committee, or other organization, entity or group of individuals.

'Department', the department of mental health, the department of mental retardation and the Massachusetts rehabilitation commission.

'Division', the disabled persons protection division established pursuant to section two.

'Disabled person', a person (between the ages of eighteen to fifty-nine, inclusive) who is mentally retarded, as defined by section one of chapter one hundred and twenty-three B, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs; including all persons who are over the age of eighteen and are mentally retarded, otherwise mentally disabled, or physically disabled, and reside in a state school, state hospital, or any residential setting operated by a state agency, a contractor with a state agency or such contractor's agent which provides services to disabled persons.

'General counsel', the general counsel of the executive office of health and human services.

'Inspector General', the inspector general of the commonwealth of Massachusetts.
‘Mandated reporter’, any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, police officer, firefighter, emergency medical technician, correctional officer or person employed by a state agency within the executive office of health and human services as defined by section sixteen of chapter six A, or employed by a private agency providing services to disabled persons who, in his professional capacity shall have reasonable cause to believe that a disabled person is suffering from a reportable condition.

‘Reportable condition’, a serious physical or emotional injury resulting from abuse, including unconsented to sexual activity.

‘State agency’, any agency of the commonwealth that provides services or treatment to disabled persons, including a contractor with a state agency or such contractor’s agent.

Section 2. There is hereby established within the office of the inspector general a division for the protection of disabled persons, to be known as the disabled persons protection division. The purpose of the division shall be to provide for the investigation and remediation of instances of abuse of disabled persons in the commonwealth.

Section 3. The inspector general shall have the following powers: —

(a) The inspector general may, subject to appropriation, appoint and remove such employees within the division, as he deems necessary to perform the duties of the division, including but not limited to the deputy inspector general for disabled persons protective services, the division chief, the deputy chief, counsels, clerks, paralegals, management analysts and investigators and may determine their salaries and duties; provided, however, that the total amount of all such salaries shall not exceed the sum appropriated therefor by the general court. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-one, and chapter one hundred and fifty E shall not apply to employees within the division.

(b) The inspector general may establish personnel regulations and motor vehicle regulations for the employees of the division to carry out the purposes of this chapter, including rules governing the conduct of hearings conducted pursuant to section eight; the provisions of chapter thirty and the provisions of section 36 of chapter 30 of the General Laws shall not apply to the employees within the office of the inspector general.

(c) to provide for the investigation of reports alleging the abuse of disabled persons and, as required, for the development of plans for the provision of protective services, subject to the oversight of the inspector general, and pursuant to the provisions of section four;

(d) to ensure that protective services are furnished by other state agencies in accordance with the provisions of section six.
General Appropriation Bill.

(e) to issue reports, including findings of facts and recommendations, upon concluding an investigation, and to refer matters upon which investigations have been completed pursuant to section nine;

(f) to take appropriate measures to notify state agencies, disabled persons and other interested parties of the provisions of this chapter;

(g) to develop standards for deferral of investigations to the executive office of health and human services and to agencies within the executive office of health and human services under section twelve and in consultation with the secretary of the executive office of health and human services.

(h) the inspector general shall promulgate rules and regulations establishing procedures to exclude personally identifiable information regarding the subjects of investigations and to carry out the responsibilities of this chapter in such a way as to disclose as little personally identifiable information as possible. All records of the division shall be confidential unless, it is necessary for the inspector general to make such records public in the performance of his duties and shall not be public records as defined in section seven of chapter four of the General Laws.

(i) the inspector general may appoint as special police officers employees of the division and the office of the inspector general, who shall have the power to make arrests as the state police for any criminal offense committed under the respective jurisdictions of the division and the office of the inspector general. Such special police officers shall be sworn before a justice of the peace or notary public who shall make return thereof to the inspector general upon a form provided by him. Upon receipt of said return the inspector general shall issue a license to each person designated to act as a special police officer, and such license shall, in any court of the commonwealth, be competent evidence of the validity of the appointment of the person named therein and of his authority to act as such special police officer. A special police officer shall hold his office until his license expires or is revoked by the inspector general. The inspector general may provide that the license and any renewal thereof shall expire on the anniversary of the birth of the person named therein not less than one nor more than two years following the date of issue. Said special police officers shall report to the inspector general as to their official acts at such times and in such manner as he may require; and shall serve without pay, except for their regular compensation as employees of the office of the inspector general and shall receive no fees for services for return of any civil or criminal process.

Section 4. Upon receipt of a report of abuse of a disabled person, the inspector general shall refer immediately any such reports which allege the occurrence of abuse that is subject to the provisions of sections fourteen to twenty-six, inclusive, of chapter nineteen A, sections seventy-two F to seventy-two L, inclusive, of chapter one hundred and eleven, or sections fifty-one A to fifty-one F, inclusive, or chapter one hundred and nineteen to the appropriate agency for the implementation of measures provided in said sections.
Section 5. Upon receipt of a report of abuse of a disabled person, the division shall appoint an investigator to:

(a) Investigate and evaluate the information of abuse of a disabled person reported to the division. The division will notify general counsel and departments within ten calendar days for all reports of abuse. The investigation may include a visit to the disabled person’s residence and day program, if any, an interview with the disabled person allegedly abused, a determination of the nature, extent and cause or causes of the abuse, the identity of the person or persons responsible therefor and all other pertinent facts. If there is reasonable cause to believe the disabled person’s health or safety is in immediate danger from further abuse said investigation and evaluation shall be made by the division within twenty-four hours. Such determinations shall be in writing and shall be immediately forwarded to the general counsel and to the department of mental health, department of mental retardation or the Massachusetts rehabilitation commission, as appropriate.

(b) Evaluate the environment of the facility named in the report, if any, and make a written determination of the risk of physical or emotional injury to any other residents or clients in the same facility. If said findings indicate that there is reasonable cause to believe that abuse of a disabled person by a caretaker has occurred, then said recommendations shall include a plan for the provision of protective services developed in accordance with section six of this chapter.

(c) If there is reasonable cause to believe that a disabled person has died as a result of abuse, the division shall immediately report said death to the district attorney for the county in which such death occurred, and to the medical examiner as required by section six of chapter thirty-eight.

Section 6. The division, acting through state agencies within the executive office of health and human services designated by the inspector general for the purpose of providing protective services; the department of mental retardation, for the purpose of providing protective services to persons who are mentally retarded as defined in chapter one hundred and twenty-three B; the department of mental health, for the purpose of providing protective services to persons who are otherwise mentally disabled; and the Massachusetts rehabilitation commission, for the purpose of providing protective services to persons who are physically disabled and not mentally retarded or otherwise mentally disabled, shall:

(a) furnish protective services to a disabled person, either with his consent or with the consent of his guardian; provided that, to the extent possible, the plan of protective services shall be developed in consultation with said disabled person, and shall reflect an intent to furnish such protection in a manner which allows said disabled person to receive care and assistance in the least restrictive manner, and promotes and protects said disabled person’s right to self determination.

(b) petition the court for appointment of a conservator or guardian or for issuance of an emergency order for protective services as provided in section seven;
General Appropriation Bill.

(c) furnish protective services to a disabled person on an emergency basis as provided in section seven and establish a plan as necessary to prevent further abuse in cases investigated by said division or department, subject to the oversight of the inspector general.

Section 7. If the inspector general, the general counsel, the department of mental health, the department of mental retardation or the Massachusetts rehabilitation commission has reasonable cause after initiation of an investigation to believe that a disabled person is suffering from abuse and lacks the capacity to consent to the provision of protective services such inspector general, general counsel or department may petition the probate and family court for the county, or the district court for the judicial district, in which the disabled person resides or is located, if he has left his residence to avoid abuse, for a finding that the disabled person is incapable of consenting to the provision of protective services. Said petitions shall set forth the specific facts upon which said inspector general, general counsel or department relied upon in making such determination. The court shall hold a hearing on the matter within fourteen days of the filing of the petition. The court shall give notice to the disabled person who is the subject of the petition at least five days prior to the date set for the hearing. The disabled person who is the subject of the petition shall have the right to be present, be represented by counsel, present evidence, and examine and cross-examine witnesses. If the disabled person who is the subject of the petition is indigent, the court shall appoint counsel to represent such disabled person. If the court determines that the disabled person lacks the capacity to waive the right to counsel, the court shall appoint a guardian ad litem to represent the interests of such disabled person. If, after hearing, the court determines, based upon a preponderance of the evidence, that such disabled person has been abused, is in need of protective services and lacks the capacity to consent and no other person who is authorized to consent is available or willing to consent, the court may appoint a conservator, guardian, or other person authorized to consent to the provision of protective services; provided, however, that the court shall establish the least restrictive form of fiduciary representation that will satisfy the needs of such disabled person. In addition to or in the alternative, the court may issue an order requiring the provision of services. The order shall contain specific description of the services to be provided and insure that the least restrictive alternatives are utilized.

(a) If an emergency exists and said inspector general, general counsel or department, a member of the immediate family or a caretaker has reasonable cause to believe that a disabled person is suffering from abuse and lacks the capacity to consent to the provision of protective services, said inspector general, general counsel, or department, member of the immediate family or caretaker may petition the probate and family court for the county, or the district court for the judicial district, in which the disabled person resides, or is located if he has left his residence to avoid abuse. The court
shall give notice to the disabled person who is subject to the petition at least twenty-four hours prior to the hearing. The court may dispense with notice upon finding that immediate and reasonable foreseeable physical harm to the individual or others will result from the twenty-four hour delay and that reasonable attempts have been made to give such notice. If after the hearing, the court determines, based upon a preponderance of the evidence, that the disabled person has been abused, that an emergency exists, and that the disabled person lacks the capacity to consent to the provision of services, the court may order the provision of protective services on an emergency basis. The court shall order only those services necessary to remove the conditions creating the emergency and shall specifically designate the authorized services in its order. The order for emergency protective services shall remain in effect for a period not the exceed seventy-two hours. Said order may be extended for an additional seventy-two hour period if the court finds that such extension is necessary to remove the emergency.

(b) The court shall not order an institutional placement or change of residence unless it finds that no less restrictive alternative will meet the needs of the disabled person. No disabled person may be committed to a mental health facility pursuant to this section. The disabled person or his court appointed representative, said inspector general, general counsel or department may petition to have any order issued pursuant to subsection (a) or (b) set aside or modified at any time.

Section 8. If, upon completion of investigation of an individual report of abuse of a disabled person whose caretaker is a state agency, a contractor with a state agency or such contractor’s agent and there is reasonable cause to conclude that such abuse did occur, or whenever, upon his own motion, the inspector general determines it is necessary to ascertain the scope and remedy of such abuse of a disabled person, the inspector general may initiate a formal hearing to determine the nature and the extent of such abuse and what recommendations, if any should be made with respect to such occurrence. Testimony in division proceedings may, in the discretion of the inspector general be recorded and taken under oath. The inspector general may, in his discretion, permit any party to testify, to call and examine witnesses, to introduce evidence or to cross-examine witnesses. Before testifying, all witnesses shall be given a copy of the regulations governing the division’s proceedings. Each witness shall be entitled to be represented by counsel and may refuse to submit evidence or give testimony if such evidence or testimony could tend to incriminate him. All proceedings of the division under this section shall be public unless the inspector general determines to invoke sections 13, 14, and 15 of Chapter 12A of the General Laws. Any person whose name is mentioned during a proceeding under this section and who may also be adversely affected by any action of the division under section nine shall have the right to appear personally, to be represented by counsel in connection with the proceedings, to call and examine witnesses, to introduce evidence or to cross-examine witnesses.
Section 9. Upon completion of any formal investigation, the inspector general shall: —

(a) issue a written report and refer the same to the appropriate state agency and the house and senate ways and means committees. Such report shall contain findings of fact concerning the alleged occurrence of abuse that was the subject to the investigation, together with a finding as to whether or not such abuse did occur and, if so, what actions are necessary to remedy to causes of such abuse or the prevent its reoccurrence;

(b) refer any matters for which there is reason to believe that a crime has been committed to the attorney general, the United States attorney, or a district attorney for the county wherein such crime was committed;

(c) refer any matters for which there is reason to believe that employee misconduct has occurred in the state agency employing such person for imposition of disciplinary measures in accordance with the requirements of any applicable law, regulation or collective bargaining agreement; or

(d) refer any matters for which there is reason to believe that misconduct has occurred by a contractor with a state agency or by such contractor’s agent, to the state agency contracting with such party for termination of such contract or for such other action as may be deemed appropriate by such state agency.

Section 10. Except when prevented by the constraints of confidential communication as hereinafter provided, mandated reporters shall notify the division orally of any reportable condition upon becoming aware of such condition and shall report in writing within forty-eight hours after such oral report.

Mandated reporters who have reasonable cause to believe that a disabled person has died as a result of a reportable condition shall immediately report such death, in writing, to the division, to the district attorney for the county in which such death occurred and the medical examiner as required by section six of chapter thirty-eight.

Any person may file a report if such person has reasonable cause to believe that a disabled person is suffering from abuse or had died as a result thereof.

No mandated reporter shall be liable in any civil or criminal action by reason of submitting a report. No other person making a report shall be liable in any civil or criminal action by reason of submitting a report if such report was made in good faith; provided, however, that no person who abuses a disabled person shall be exempt from civil or criminal liability by reason of his reporting such abuse.

No privilege established, by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve, by section twenty or twenty B of chapter two hundred and thirty-three, by court decision or by professional code relating to the exclusion of confidential communications and the competency of witnesses may be invoked to prevent a report by a mandated reporter or in any civil action arising out of a report made pursuant
to this chapter; provided, however, that a mandated reporter need not report an otherwise reportable condition if the disabled person invokes a privilege, established by law or professional code, to maintain the confidentiality of communications with such mandated reporter.

Any person required by this section to make oral and written reports, who fails to do so, shall be punished by a fine of not more than one thousand dollars.

Section 11. Any person who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employees as reprisal for making a complaint or disclosing information to the division concerning the alleged abuse of a disabled person, unless the complaint was made or the information disclosed with the knowledge that it was false or with wilful disregard for its truth or falsity.

No person shall directly or indirectly, willfully endeavor by means of a gift, offer or promise of anything of value or by misrepresentation, intimidation, force or threats of force to influence, impede, obstruct, delay or otherwise interfere with any witness in any stage of proceedings of the division or with any person furnishing information to an investigator relating to the abuse of a disabled person. No person shall injure any person or damage his property on account of the giving of such information to an investigator or on account of testimony given at a hearing.

Violations of this section shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than two thousand dollars.

Section 12. Nothing in this chapter shall be construed to be a limitation of the powers and responsibilities assigned by law to the office of the inspector general, other departments or agencies, nor shall this chapter be construed to relieve any department or agency of its obligations to investigate and respond appropriately to alleged incidents of abuse. If the inspector general determines that a formal investigation under section eight, or an investigation under sections four and five, would duplicate or interfere with an ongoing investigation by law enforcement officials concerning possible criminal conduct arising out of the same conduct, he may delay or defer a formal investigation. The inspector general may delay or defer a formal investigation during the pendency of an investigation of the alleged abuse by the state agency at whose facility or program such abuse was alleged to have occurred. Such investigations may be delayed or deferred by the inspector general only after he has determined: that the health and the safety of the clients of state agencies will not be adversely affected thereby; that the division's ability to conduct a later investigation will not be unreasonably impaired and that the investigation of the incident by another official or agency will be conducted in good faith by an impartial, qualified investigator. The division shall monitor the progress of such other investigations in order to determine when or whether the division's
investigation of the alleged incident of abuse should be initiated or resumed.

Section 13. The office of the inspector general shall have access to all autopsy reports and related records in the possession of the medical examiner regarding the deaths of disabled persons whose caretaker is a state agency, or a contractor with a state agency or such contractor’s agent.

Section 14. Upon the death of any disabled person whose caretaker was a state agency, or a contractor with a state agency, or such contractor’s agent, said caretaker shall immediately orally notify the division, local law enforcement officials and the medical examiner for the county where the death occurred; and shall forward to the division a written report of such death within twenty-four hours of the death. Said report shall contain the name, gender and age of the disabled person, the name of the facility in which that person resided, and the facts and circumstances of the death. The division shall take all appropriate measures regarding the report pursuant to its authority under this chapter and the provisions of Chapter 12A of the General Laws, and shall determine whether the cause of death is related to abuse of the deceased disabled person. If it is determined that the death is related to abuse of the disabled person the division shall conduct a formal investigation.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. Parente; and on the roll call 55 members voted in the affirmative and 96 in the negative.

[See Yea and Nay No. 145 in Supplement.]

Therefore the amendment was rejected.

Mr. Klimm of Barnstable then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 287. It is hereby determined essential to the public interest that the regulation of marine fisheries achieve effective conservation based on empirically verified data using reliable procedures and methodology and that such conservation achieve maximum possible coordination with federal fisheries conservation measures.

Conservation of the fishery resources for commercial and recreational harvesters and mitigation of economic impacts on harvesters from conservation measures must be met by regulatory balance. The Division of Marine Fisheries is charged hereunder with development of procedures and methodologies for establishment of such balanced conservation regulations. Such procedures and methodologies shall specify standards to be applied by the Division of Marine Fisheries and the Marine Fisheries Advisory Commission in data collection, verification, selection of appropriate methodologies and development of regulatory conservation measures.

The Division of Marine Fisheries shall develop procedures and methodologies for development of conservation measures based on an experimental fishery which procedures and methodologies shall
become applicable to all marine fisheries within five years from enactment hereof. The regulatory procedures and methodologies shall provide reliable means for identification of fish stocks, year classes, overfishing in state and jurisdictional waters, and mitigation of conservation generated economic impacts all so as to preserve the fish stocks for established commercial and recreational harvesting.

The scup fishery conducted at night during the months of May, June, July and August, and during daylight hours during other months when scup are commercially harvestable, is designated as the experimental fishery. The experimental fishery shall be conducted only in those waters of Nantucket Sound which are located more than three nautical miles from the territorial sea baseline of the United States and are within state jurisdiction.

The Division of Marine Fisheries, immediately and during the next five years, shall work in the experimental fishery with traditional scup fishery participants. Participants shall be those who have landed at least one hundred fifty thousand pounds of scup for the scup fishery in Nantucket Sound during June through October of calendar year 1991. Participants shall assist in the collection of empirical data to be used for the purpose of developing and determining appropriate procedures and methodologies sufficient to form a substantial basis for proposed conservation measures. The participants shall meet the following performance requirements:

(a) Participants shall engage in no other fishery during periods when acting as participants in the experimental fishery during the months of May, June, July and August. Participants may carry no gear for any other fishery during May, June, July and August, and must cease all daylight hours fishing for other species during the months of May, June, July and August.

(b) Participants in the experimental fishery during the months of May, June, July and August shall remain in the fishery for thirty days after entry, but may enter, exit or reenter on seventy-two hours notice to the Division of Marine Fisheries.

(c) Participants, during May, June, July and August, may fish only one hour before sunset until 2:00 AM, and shall call in weekly to notify the Division of Environmental Law Enforcement that the participant will be fishing scup in the experimental fishery, to identify where the participant will be fishing, and to supply the participant’s federal fishery identification number. Changes in fishing locations shall be subject to immediate call-in. Participants must agree to inspection of catch, gear, and vessel at Hyannis by the Division of Environmental Law Enforcement, upon beginning or ending harvesting operations each day.

(d) Participants shall have a usual bycatch, of which no more than one hundred pounds shall be fluke and flounder per boat.

(e) Participants shall supply copies of trip receipts (weighouts) to the Division of Marine Fisheries on a weekly basis.

(f) Participants shall agree to take on board Division of Marine Fisheries and Division of Environmental Law Enforcement observers and sea-samplers during any trip.
(g) Participants, while engaged in normal commercial or recreational harvesting, shall use a variety of the vessel’s gear with varying mesh sizes as requested by the Division of Marine Fisheries. The Division of Marine Fisheries may request that special tows be made outside the normal commercial tow areas. The Division of Marine Fisheries may request a variety of tows, tow patterns, and tow locations.

(h) Participants, as an inducement to work with the Division of Marine Fisheries, shall be allowed to pair trawl with usual commercial fishing operations of the participant, using a four-inch mesh cod end and tail piece, until an aggregate amount of legal size scup are harvested substantially equal to the aggregate as harvested by such participant in calendar year 1991.

(i) The experimental fishery shall not be conducted by the Division of Marine Fisheries or the Marine Fisheries Advisory Commission so as to work a financial hardship on the participants. The regulatory procedures and methodologies adopted based on the experimental fishery shall constitute the requirements for development of an administrative record supporting recommendations of the Division of Marine Fisheries to the Marine Fishery Advisory Commission. Such record shall be filed by the Division of Marine Fisheries together with its recommendations to the Marine Fisheries Advisory Commission. Oral and written comments may be filed thereon with the Commission by interested persons, and the record and comments shall be the sole administrative record and substantial basis for action by the Commission.”.

The amendment was adopted.

Mr. Turkington of Falmouth then moved that the bill be amended in section 2 by inserting after item 0810-1031 the following item:

“0810-1032 For administration and expenses of a division to pursue litigation related to groundwater pollution at the Massachusetts Military Reservation on Cape Cod .......... 500,000”

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 52 members voted in the affirmative and 98 in the negative.

[See Yea and Nay No. 146 in Supplement.] Therefore the amendment was rejected.

Mrs. McKenna of Holden then moved that the bill be amended by inserting after section 186A (inserted by amendment) the following section:

“SECTION 186B. Section 6 of chapter 118E of the General Laws, as most recently amended by chapter 138 of the acts of 1991, is hereby amended by inserting at the end of said section the following paragraph: —

‘The department shall establish by regulation a payment policy for medical leaves of absence by residents of certain nursing homes. Such regulations shall provide for payment to only those qualified nursing homes with an occupancy rate of ninety-eight percent or
above at the time of the leave, or with an average annual occupancy
rate of ninety-eight percent or above for eligible leave of absence
days in an amount comparable to the lowest case mix level rate or
consistent with the non-direct care costs associated with maintaining
a bed in such nursing home; provided further, that such regulations
shall establish criteria for qualified nursing homes which shall take
into consideration the likelihood of a resident losing his bed due to
such medical absence including such factors as the provider’s
occupancy rate, the availability of gender-appropriate beds, and the
unique circumstances of a particular resident. The department is also
authorized to encourage family members of a resident who does not
qualify for medical leave of absence payments to contribute to the
cost of reserving such resident’s bed in the nursing home’.

After debate the amendment was rejected.

Mr. McDonough of Boston then moved that the bill be amended
by adding at the end thereof the following section:

"SECTION 288. Chapter 6B, Section 1 of the General Laws, as
amended by chapter four hundred ninety-five of the acts of nineteen
ninety-one is amended by adding at the end of the thirteenth
paragraph entitled ‘free care’, the following: ‘for purposes of this
section, “patients” shall refer only to Massachusetts residents.’; and
further that said chapter 6B be amended in section eleven by adding
at the end thereof the following:

‘(5) no hospital may claim reimbursement from the uncompen-
sated care pool for any individual who is not a Massachusetts
resident.’; and further that chapter one hundred eighteen F of the
General Laws be amended in section two by adding at the end of
the thirteenth paragraph the following:

‘for the purposes of this section, “patients” shall refer only to
Massachusetts residents.’; and further that said chapter one hundred
eighteen F be amended in section nineteen by adding at the end
to thereof the following:

‘(9) no hospital may claim reimbursement from the uncompen-
sated care pool for any individual who is not a Massachusetts
resident’.

The amendment was adopted.

Mr. McDonough then moved that the bill be amended by adding
at the end thereof the following section:

"SECTION 289. The fourth paragraph of section seventy E of
chapter one hundred eleven of the General Laws as most recently
amended is hereby amended by adding at the end thereof the
following new sentence: ‘No facility shall charge a fee to a patient
or patients’ authorized representative for viewing the patient’s
medical record for the purpose of performing an audit for the
itemized charges’.

After remarks the amendment was adopted.

Mr. McDonough then moved that the bill be amended by adding
at the end thereof the following section:

"SECTION 290. The commissioner of the department of public
health shall convene a task force to develop policy and program
recommendations to address the special needs of children with AIDS
and children with family members with AIDS. Members of said task
force shall include, but not be limited to: the commissioner of the
department of public health or his designee; two members of the
House of Representatives; two members of the Senate; the comis-
sioner of the department of education or his designee; the comis-
sioner of the department of social services or his designee; the
commissioner of the department of mental health or his designee;
a representative from the office for children; a local public health
official; representatives from the child advocacy, child welfare, and
AIDS advocacy communities; providers of services to children with
AIDS including representatives from the Massachusetts chapter of
the American Academy of Pediatrics, the Massachusetts League of
Community Health Centers, the Visiting Nurses Association, and
the parents/family members of children with AIDS. Said task force
shall submit its policy and program recommendations to the House
Committee on Ways and Means, the Senate Committee on Ways
and Means, the Joint Committee on Health Care, and the Legislative
Children’s Caucus by April fifteenth, nineteen hundred and ninety-
three.”.

The amendment was adopted.

Mr. Teague of Yarmouth then moved that the bill be amended
by adding at the end thereof the following twenty-five sections:

“SECTION 291. 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 292. 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 word: — three Parts.

SECTION 293. 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 294. 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 295. 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 296. 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 not 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 297. Subsection (c) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraphs (2) & (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 298. 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 299. Section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subsection: —

(e) Part C adjusted gross income shall be the Part C gross income comprised of the following classes as adjusted:

(A) Class B net gain which equals the excess of Class B gains over the losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years.

(B) Class B net loss which equals the excess of losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years over the Class B gains.

(C) Class C net gain which equals the excess of Class C gains over the losses from the sale or exchange of capital assets held for more than two years but less than or equal to three years.

(D) Class C net loss which equals the excess of losses from the sale or exchange of capital assets held for more than two years but less than or equal to three years over the Class C gains.

(E) Class D net gain which equals the excess of Class D gains over the losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years.

(F) Class D net loss which equals the excess of losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years over the Class D gains.

(G) Class E net gain which equals the Class E gains over the losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years.

(H) Class E net loss which equals the excess of losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years over the Class E gains.

(I) Class F net gain which equals the Class F gains over the losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years.

(J) Class F net loss which equals the excess of losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years over the Class F gains.
(K) Class G net gain which equals the Class G gains over the losses from the sale or exchange of capital assets held for more than six years.

(L) Class G net loss which equals the excess of losses from the sale or exchange of capital assets held for more than six years over the Class G gains.

For purposes of this subsection, property acquired prior to January 1, 1993 shall be deemed to have been acquired on January 1, 1992 or on the date of actual acquisition, whichever is later.

Any excess net long-term capital loss from property sold or exchanged prior to January 1, 1993 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1993, shall be treated as Class B losses for purposes of paragraphs (A) and (B) of this subsection. Any excess net short-term capital loss from property sold or exchanged prior to January 1, 1993 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1993, shall be treated as losses from the sale or exchange of capital assets held for one year or less for purposes of paragraph (2) of subsection (c).

SECTION 300. Subsection (c) 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 301. 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 302. 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 303. 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 304. 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:

(i) 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 305. 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 306. 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 307. 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 308. 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 309. 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 310. 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 311. 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 312. 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 313. 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 314. 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 315. 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, the sense of the House was taken by yeas and nays, at the request of Mr. Coon of Andover; and on the roll call 46 members voted in the affirmative and 105 in the negative.

[See Yea and Nay No. 147 in Supplement.]

Therefore the amendment was rejected.
Mr. DeFilippi of West Springfield then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 291. Section 26 of chapter 15C of the General Laws is hereby amended by adding the following paragraph: —

The real and personal property of a borrower who defaults on an obligation arising out of a loan authorized by this chapter shall be subject to a lien in favor of the commonwealth in accordance with procedures prescribed by law.

SECTION 292. Notwithstanding the provisions of any general or special law to the contrary, the real and personal property of any person who borrows funds from any department or agency of the commonwealth for the purpose of a student loan shall be subject to a lien in favor of the commonwealth, in accordance with procedures prescribed by law if said borrower defaults on his obligations to repay said loan."

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 293. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare is hereby authorized and directed to develop regulations and procedures, such that the prospective recipients of medicaid and/or aid to families with dependent children, who have not been a resident of the commonwealth for the immediate preceding six months, not receive any of the aforementioned benefits that would exceed those offered under the recipient’s previous program in any other jurisdiction or, if the recipient has not previously received benefits in another jurisdiction and has not been a resident of the commonwealth for the immediate preceding six months, the maximum benefits available to the recipient is equal to the benefits available in the state with the lowest benefit rate until they have been a resident of the commonwealth for a minimum of six months.

The department of public welfare is directed to seek all federal waivers necessary to implement the foregoing program."

The amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended in section 172 by adding at the end thereof the following: "; provided that such question submitted to the voters shall be worded as follows: —

Shall the (city/town) of require said (city/town) to assess taxes by $ below the amount allowed pursuant to the provisions of Proposition 2½, so called, for the fiscal year beginning July first (year) and ending June thirtieth (year)?

YES ______ NO ______

Said question shall be deemed approved if a majority of the persons voting thereon shall vote ‘yes’. 

The amendment was adopted.
Mr. Forman then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 294. The Secretary of Human Services and the Commissioner of Public Welfare are hereby authorized and directed to complement a program of mandatory work experience for certain recipients of public assistance pursuant to the provisions of Section 482(e) and 482(f) of Title IV of the Social Security Act, as most recently amended by P.L. 100-485 of the Acts of 1988, the 'Family Support of 1988,' Commonly known as 'workfare,' 'a community work experience program,' or 'a work supplementation program,' the program shall be designed and implemented to compassionately break and/or present a cycle of welfare dependency among certain recipients of public assistance; provided however, that nothing in this section shall require participation in a mandatory work program for any parent or other relative who is providing direct care for a preschool child receiving public assistance; provided further, that only one person or other relative in such a case may be exempt for providing care for such a preschool child.

Prior to implementing the plan, and no later than June 1, 1993 the Secretary shall submit a detailed plan of the program, as described in Section 8 of Chapter 75 of the Acts of 1990, to clerks of the Senate and the House of Representatives."

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. Forman of Plymouth; and on the roll call 74 members voted in the affirmative and 76 in the negative.

[See Yea and Nay No. 148 in Supplement.]

Therefore the amendment was rejected.

Mr. Teague of Yarmouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 294. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is authorized to bid, award and construct all tunnel vent buildings which are part of the Central Artery/Tunnel project in accordance with state law applicable to public works projects and federal law and requirements of the Federal Highway Administration."

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 37 members voted in the affirmative and 113 in the negative.

[See Yea and Nay No. 149 in Supplement.]

Therefore the amendment was rejected.

Subsequently Mr. Angelo of Saugus 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. Angelo 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 adding at the end thereof the following section:

"SECTION 294. Chapter 354 of the Acts of 1952 is hereby amended by striking out the second paragraph of section 3, and inserting in place thereof the following new paragraph:

The Massachusetts Turnpike Authority shall consist of five members, to be appointed by the Governor and who shall serve coterminous with the Governor, who shall be residents of the commonwealth, not more than three of whom shall be of the same political party. The members of the Authority first appointed shall continue in office for terms expiring on July first, nineteen hundred and fifty-eight, July first, nineteen hundred and fifty-nine, and July first, nineteen hundred and sixty, respectively, the term of each such member to be designated by the governor, and until their respective successors shall be duly appointed and qualified. The governor shall designate one of the members as chairman who shall serve as such during his term of office. Upon the expiration of the term of office of such chairman, the governor shall appoint one of the members as his successor as chairman. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Authority shall be eligible for reappointment. Each member of the Authority before entering upon his duties shall take an oath before the governor to administer the duties of his office faithfully and impartially, and a record of such oaths shall be filed in the office of the secretary of the commonwealth.

Said chapter 354 is further amended in section 3 by striking out in line 3 of the fourth paragraph the word 'Two' and inserting in place thereof the word 'Three'; and by striking out in line 5 the word 'two' and inserting in place thereof the word 'three'."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Forman; and on the roll call 37 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 150 in Supplement.]

Therefore the amendment was rejected.

At eighteen minutes after seven o'clock P.M., on motion of Mr. Hynes of Marshfield (Mr. Voke of Chelsea being in the Chair), the House recessed until half-past seven o'clock; and at twenty-four minutes before eight o'clock P.M., the House was called to order with Mr. Voke in the Chair.

Mr. Finneran of Boston then moved that the bill be amended by inserting after section 44 the following section:

"SECTION 44A. Notwithstanding the provisions of any general or special law to the contrary, the department of medical security, the department of public welfare and the rate setting commission are authorized and directed to take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the department of public welfare to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. Said appropriate action may include, but shall not be limited to, the assessment on hospitals for its uncompensated care fee revenue or
the collection of amounts from hospitals for its liability to the uncompensated care pool pursuant to chapter one hundred eighteen F of the General Laws. Said appropriate action shall include the establishment or renewal of an interagency agreement between the department of public welfare and the department of medical security which may authorize the department of public welfare to make deposits into and payments from an account established for the purposes of this section within the uncompensated care trust fund established by section seventeen of chapter one hundred and eighteen F of the General Laws, or authorize the department of medical security to transfer uncompensated care fee revenue collected from hospitals pursuant to chapter one hundred and eighteen F of the General Laws, or funds otherwise made available to said trust fund by the legislature, to the department of public welfare for purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX of the federal Social Security Act. The department of public welfare may expend amounts transferred to it from the uncompensated care trust fund by the department of medical security under said interagency agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care pool as determined by the department of medical security and the rate setting commission pursuant to section fifteen of chapter one hundred eighteen F of the General Laws and section twelve of chapter six B of the General Laws. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the General Fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection, and expenditure of funds pursuant to this section."

The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2 by striking out, in item 0332-6800, the figures "1,503,843" and inserting in place thereof the figures "1,503,834".

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by striking out, in item 0614-6801, the figures "1,116,663" and inserting in place thereof the figures "1,116,563".

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 0910-0200, by striking out, in lines 1 and 2, the words "including not more than thirty-eight positions" and inserting in place thereof the words "including not more than forty-eight positions".

The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 1101-2100, by inserting after the word "program", in line 1, the words "; provided, that charges for the cost of computer resources and services provided by the bureau of computer services
for the design, development, and production of reports and information required to be included in budgets submitted by the governor to the legislature shall not be charged to this item”.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2, in item 2260-1000, by striking out, in lines 17 to 20, inclusive, the following:

"Environmental Challenge Fund .......... 30.0%
General Fund .......................... 63.5%
Underground Storage Tank Petroleum Product Cleanup Fund .......... 6.5%”;

and inserting in place thereof the following:

"Environmental Challenge Fund .......... 93.5%
Underground Storage Tank Petroleum Product Cleanup Fund .......... 6.5%”.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2, by striking out, in item 4000-0300, the figures “52,997,100” and inserting in place thereof the figures “53,094,350”.

The amendment was adopted.

The same member then moved that the bill be amended in section 2, by striking out, in item 4120-2000, the figures “4,912,839” and inserting in place thereof the figures “6,220,764”.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2, in item 4406-3000, by striking out, after item 4406-3000, the item number “4800-1000”
and inserting in place thereof the item number "4408-1000". The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 4510-2000, by striking out, in lines 8 to 11, inclusive, the words "not less than sixty-eight thousand dollars shall be made available for region two, not less than sixty-eight thousand dollars shall be made available for region three, not less than sixty-eight thousand dollars shall be made available for region four" and inserting in place thereof the words "not less than eighty-eight thousand dollars shall be made available for region two, not less than eighty-eight thousand dollars shall be made available for region three, not less than eighty-eight thousand dollars shall be made available for region four".

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 4530-6000, by striking out, in item 4590-2000, by striking out, in lines 4 and 5, the words "not to exceed forty-three million eight hundred sixty-eight thousand two hundred thirty-two dollars" and inserting in place thereof the words "not to exceed fifty-three million eight hundred sixty-eight thousand two hundred thirty-two dollars".

The amendments were adopted.

Mr. Finneran then moved that the bill be amended in section 2, in item 4800-0016, by inserting after the word "commonwealth", in line 7, the words "including not more than twenty-four positions"; and in item 4800-0030 by striking out, in lines 9 and 10, the words "including not more than twenty-four positions".

The amendments were adopted.

Mr. Finneran then moved that the bill be amended in section 2, in item 4800-0041, by striking out, in line 6, the word "foster" and inserting in place thereof the word "group".

The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2 by striking out, in item 5047-5000, the figures "44,203,068" and inserting in place thereof the figures "44,953,068"; and in item 5049-1000, by inserting after the word "Bridgewater", in line 2, the words "and the Taunton secure treatment center".

The amendments were adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out, in item 6005-0017, the figures "43,705,655" and inserting in place thereof the figures "43,075,655"; and by striking out, above item 6005-1000, performance measure 3a, and inserting in place thereof the following performance measure: "3a. Annual state's net cost of service growth limited to two percent"; and also in item 6005-1000 by inserting after the word "its", in line 10, the word "for"; and by striking out, above item 6005-4000, performance measure 3a, and inserting in place thereof the following performance measure: "3a. Annual state's net cost of service growth limited to two percent".

The amendments were adopted.
Mr. Finneran then moved that the bill be amended in section 2, by striking out, after item 7000-9410, the item number “7000-9400” and inserting in place thereof the item number “7000-9420”. The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2, in item 7220-0100, by striking out, in lines 3 and 4, the words “not less than two hundred and thirteen thousand seven hundred and seventy-four dollars” and inserting in place thereof the words “no less than two hundred and fifty thousand dollars”. The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 8000-0154, by inserting after “8901-0001”, in line 3, the following: “and 8950-0003”. The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 8000-0210, by inserting after the word “ninety”, in line 6, the words “; provided that said revenues shall be deposited in the General Fund”. The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 8901-0011, by striking out, in lines 9 and 10, the words “provided further, that with the exception of inmate wages, no salaries may be paid from this item” and inserting in place thereof the words “including not more than one hundred and ten positions”. The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2, in item 9275-0500, by striking out item 9275-0500 and inserting in place thereof the following two items:

“9275-0500  For the administration component of the energy facilities program; provided, that the expenditures from this item to the maximum amount of five hundred thirty-two thousand four hundred dollars shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws; provided further, that amounts incurred on account of fringe benefits of state personnel compensated from this item shall be
assessed upon utility companies in accordance with the provisions of said chapter one hundred and sixty-four of the General Laws and that amounts so assessed shall be credited to the General Fund; and provided further, that the position of executive secretary of the council shall be exempt from the provisions and requirements of job classification under chapter thirty of the General Laws, including not more than fifteen positions ............... 532,400

9275-0600 The energy facilities siting council is hereby authorized to expend revenues collected from filing fees in order to fund the review of applications to construct energy facilities, including the costs of personnel ............... 750,000”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2B by striking out, in item 0750-0200, the figures “19,118,827” and inserting in place thereof the figures “19,944,000”. The amendment was adopted.

The same member then moved that the bill be amended by inserting after section 47 the following two sections:

“SECTION 47A. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare, with the cooperation of the rate setting commission, shall not approve any increase in existing rates of reimbursement to providers participating in the medical care and assistance program established pursuant to chapter one hundred and eighteen E of the General Laws rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality.

SECTION 47B. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare shall make no expenditures from items 4402-4100, 4402-4200, 4402-4300, 4402-4400, 4402-4500, 4402-4600, 4402-4700, 4402-4800 and 4402-5002 in section two of this act which are not federally reimbursable except for expenditures on cost containment projects for which prior approval has been received from the secretary of the executive office of health and human services and the house and senate committees on ways and means. No funds shall be expended from said items for the payment of abortions not necessary to prevent the death of the mother. Said department may allocate funds from said items to other agencies for the purposes of said items after giving prior notice to the house and senate committees on ways and means; provided, that expenditures from said items shall be made only for the purposes expressly stated therein.”.

The amendment was adopted.
Mr. Finneran of Boston then moved that the bill be amended in section 60 by inserting after the word “average”, in line 4, the words “per diem”.

The amendment was adopted.

The same member then moved that the bill be amended by striking out section 65 and inserting in place thereof the following section:

“SECTION 65. Notwithstanding any general or special law to the contrary, the commonwealth's financial obligation, in fiscal year nineteen hundred and ninety-three, for needs based tuition waivers granted pursuant to section nineteen of Chapter fifteen A of the General Laws shall not exceed nine million eight hundred seventy-six, one hundred and eighty-six dollars; provided, that nothing in this section shall limit the dollar amount of waivers granted pursuant to special legislative authorization, including but not limited to clause (ii) of said section nineteen.”.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 86 by striking out, in line 4, the word “administrative” and inserting in place thereof the word “administration”.

The amendment was adopted.

The same member then moved that the bill be amended by inserting after section 195 the following four sections:

“SECTION 195A. Subsection (1) of section 15 of chapter 118F, as amended by section nineteen of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one, is hereby amended by striking the word ‘twelve’ and inserting in place thereof the word: — eleven.

SECTION 195B. Subsection (2) of said section 15 of said chapter 118F is hereby amended by striking the word ‘twelve’ and inserting in place thereof the word: — eleven.

SECTION 195C. Subsection (3) of said section 15 of said chapter 118F is hereby amended by striking the word ‘twelve’ and inserting in place thereof the word: — eleven.

SECTION 195D. Subsection (4) of said section 15 of said chapter 118F is hereby amended by striking the word ‘twelve’ and inserting in place thereof the word: — eleven.”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 294. Chapter 71B of the General Laws, as most recently amended by section 144 of chapter 138 of the acts of 1991, is hereby amended by inserting after section 10 the following section:

Section 11A. The department of education shall provide special education to school aged children with special needs who are incarcerated in county houses of correction.”.

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:
"SECTION 295. Section 122 of Chapter 33 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding at the end thereof the following subsection: —

(g) The adjutant general is authorized to enter into interagency agreements with other state agencies and to charge other state agencies for the use of any armory, air installation or other facility under his control."

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, above item 7220-0100, under “Component Programs”, by striking out the following: “7. Universities” and inserting in place thereof the following “7: State Colleges”, and above item 7109-0100 by striking out the following: “8: State Colleges” and inserting in place thereof the following: “8: Universities”. The amendments were adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out items 9731-0000, 9731-0050, 9734-1000, 9735-0000 and 9736-0000, and by inserting before item 9737-0000 the following five items:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>9731-0000</td>
<td>For the office of the sergeant-at-arms, prior appropriation continued</td>
<td>518,728</td>
</tr>
<tr>
<td>9731-0050</td>
<td>For the cost of unemployment, medicare and workmen's compensation charges assessed against the employees of the joint legislative committees, prior appropriation continued</td>
<td>170,000</td>
</tr>
<tr>
<td>9734-1000</td>
<td>For the salaries of clerks employed in the legislative document room, prior appropriation continued</td>
<td>376,570</td>
</tr>
<tr>
<td>9735-0000</td>
<td>For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, prior appropriation continued</td>
<td>180,100</td>
</tr>
<tr>
<td>9736-0000</td>
<td>For the rental, maintenance and updating of an electric roll call system, prior appropriation continued</td>
<td>22,532</td>
</tr>
</tbody>
</table>

The amendments were adopted.

Ms. Buell of Greenfield then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 296. The medical assistance program established pursuant to the provisions of chapter one hundred and eighteen E of the General Laws shall continue to reserve a nursing facility bed while a patient is temporarily absent from the facility for medical and nonmedical reasons as set forth in regulations codified in 106 CMR 456.020 through 106 CMR 456.023 and 106 CMR 456.511 through 106 CMR 456.516 in effect on January 1, 1992. Nursing facility reimbursement for such medical and nonmedical leaves of absence shall not be more restrictive than those regulations in effect on January first, nineteen hundred and ninety-two.”.

The amendment was adopted.
Mr. Forman of Plymouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 297. Notwithstanding the provisions of any general or special law or regulation to the contrary, all housing authorities and nonprofit organizations operating elderly public housing are hereby authorized and directed to offer first preference for elderly public housing units which are vacant as of the effective date of this act, and thereafter, to those elderly persons who held chapter seven hundred and seven rental assistance, so called, and vouchers under any existing state voucher program on June thirtieth, nineteen hundred and ninety-two. The executive office of communities and development shall be responsible for the faithful compliance by local housing authorities with the provisions of this section, and is hereby authorized to take such actions as it deems necessary to insure such compliance in a timely and equitable fashion."

The amendment was adopted.

Mr. Forman then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 298. Paragraph (a) and (b) of section 14G of chapter 151A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking in line 2 the words 'employees,' and by inserting therein the following words: — 'employees and cities, towns, regional school districts, local housing authorities and other governmental subdivisions of the commonwealth,'."

The amendment was adopted.

Mrs. Gray of Framingham being in the Chair, — Messrs. Teague of Yarmouth and Forman of Plymouth moved, there being no objection, that the bill be amended by adding at the end thereof the following two sections:

"SECTION 299. Section 4A of chapter 32A of the General Laws is hereby amended by striking in line 7 the word 'administrator.' and by inserting therein the following words: — administrator or health maintenance organization or preferred provider organization or independent practice association and other health care organizations.

SECTION 300. The group insurance commission is hereby authorized and directed to review the feasibility and fiscal soundness for the commonwealth of entering into an administrative services or similar contract with health maintenance organizations, preferred provider organizations, independent practice associations and other health care organizations. The intent is to achieve savings on premiums paid to said organizations by having the commonwealth self-insure and pay said organizations an administrative fee only. The results of said review shall be reported by the commission to the clerks of the house and senate and committees on ways and means of the house and senate by January 1, 1993."

The amendment was adopted.
Mrs. Menard of Somerset being in the Chair, — Mr. Forman of Plymouth then moved that the bill be amended in section 2, in item 7077-0102, by inserting after the word “Worcester,”, in line 4, the words “Plymouth, Barnstable, Bristol”. The amendment was adopted.

Mr. Forman then moved that the bill be amended by adding at the end thereof the following two sections:


SECTION 302. Section 24 of c. 90 as appearing in the 1990 Official Edition is hereby amended by inserting after the word ‘both’ in line 9 thereof the following paragraph: —

There shall be a surcharge of $100 on the fine assessed against a defendant convicted of operating a motor vehicle while under the influence of intoxicating liquor, marijuana, narcotic drugs, depressants or stimulant substances provided, however, that moneys collected pursuant to said surcharge shall be deposited by the court with the treasurer into the Fund for Head Injury Treatment Services created in Section 286 of c. 138 of the Acts of 1991. In the case of multiple offenses, said surcharge shall be assessed each and every time a defendant is convicted of operating a motor vehicle while under the influence of intoxicating liquor, marijuana, narcotic drugs, depressants or stimulant substances.”.

The amendment was adopted.

Mr. Serra of Boston being in the Chair, — Mr. Forman of Plymouth then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 303. The department of social services shall notify all persons interviewed during the course of an investigation when allegations made against certain persons were not substantiated.”.

The amendment was adopted.

Mr. Forman then moved that the bill be amended by adding at the end thereof the following five sections:

“SECTION 304. The definition of ‘Consolidated net surplus in the operating funds’ in section 1 of chapter 29 of the General Laws as most recently amended is hereby further amended by striking the comma following the words ‘General Fund’ and inserting in its place the word ‘and’.

SECTION 305. The definition of ‘Consolidated net surplus in the operating funds’ in section 1 of chapter 29 of the General Laws as most recently amended is hereby further amended by striking the following: — , and the Highway Fund.

SECTION 306. The definition of ‘Consolidated net surplus in the operating funds’ in section 1 of chapter 29B of the General Laws as most recently amended is hereby further amended by striking the
Amendment rejected,— yea and nay No. 151.

Amendment adopted,— yea and nay No. 152.

comma following the words ‘General Fund’ and inserting in its place the word ‘and’.

SECTION 307. The definition of ‘Consolidated net surplus in the operating funds’ in section 1 of chapter 29B of the General Laws as most recently amended is hereby further amended by striking the following: — , and the Highway Fund.

SECTION 308. Section 34 of Chapter 90 of the General Laws is hereby amended by inserting at the end thereof the following: — Revenue credited to the Highway Fund shall not be transferred to any other fund of the commonwealth for any purpose.”.

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 62 members voted in the affirmative and 82 in the negative.

[See Yea and Nay No. 151 in Supplement.]

Therefore the amendment was rejected.

Subsequently Mr. Karol of Attleboro moved that this vote be reconsidered; and the motion prevailed.

After debate on the recurring question on adoption of the amendment offered by Mr. Forman, the sense of the House was taken by yeas and nays, at the request of Mr. Karol; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 152 in Supplement.]

Therefore the amendment was adopted.

There being no objection, — Messrs. Angelo of Saugus and Coon of Andover moved that the bill be amended in section 2, in item 7220-0004, by inserting after the word “eighty-nine”, in line 5, the words “; provided, however, that of the appropriation provided herein, an amount shall be obligated for the purpose of establishing and maintaining programs which will train business, industry, higher education, medical laboratory, and high school laboratory personnel to reduce toxic waste at the source by utilizing the Microscale chemistry technology”; and the amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended in section 2, in item 4540-1000, by inserting after the word “clients;”, in line 3, the following: “provided, that the department shall expend no less than five hundred thousand dollars for the treatment and detoxification of intravenous drug users who test positive for HIV, so called;”.

The amendment was adopted.

Mr. Teague of Yarmouth then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 309. The second paragraph of section 37H of chapter 71 of the Massachusetts General Laws is hereby amended by inserting after the first sentence the following: —

In cases involving the possession or use of weapons, the possession or use of illegal substances, the illegal possession of alcohol, or the use of excessive force, provided that the violation occurs on school
property, the principal or headmaster of every school system within each city, town, or district shall have the authority to suspend a student, including an indefinite suspension, and no other disciplinary measure adopted as a rule or regulation may inhibit this authority to suspend. Where a student has been suspended by a principal or headmaster under the authority of the previous sentence, the school committee may review such suspension and alter the disciplinary measure after a hearing."

The amendment was adopted.

Mr. Blute of Shrewsbury then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 310. 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-three and ending before December thirty-first, nineteen hundred and ninety-four. 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 debate on the question on adoption of the amendment, the Chair (Mrs. Menard of Somerset) interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of ten o'clock P.M.
On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 100 members voted in the affirmative and 51 in the negative.

[See Yea and Nay No. 153 in Supplement.]

Therefore Rule 1A was suspended.

After further debate, on the question on adoption of the amendment, Messrs. Flaherty of Cambridge and Bosley of North Adams moved, there being no objection, that the amendment offered by Mr. Blute of Shrewsbury be amended by striking out the text of said amendment and inserting in place thereof the following:

“Said Chapter 63 is hereby further amended by striking out Section 31C and inserting in place thereof the following new section:

Section 31C. A corporation shall be allowed a credit as hereinafter provided against its excise due under this chapter. The amount of such credit shall be the amount determined by multiplying five hundred dollars by the increase in the number of full-time employees employed by the corporation during the taxable year, as hereinafter provided.

When used in this section the following terms shall have the following meanings:

‘Full-time employee’, an employee as defined in sections one and three of chapter one hundred and fifty-one A and who has been paid by the corporation during its taxable year an amount at least equal to the maximum amount of ‘wages’ with respect to which an employer is required to make contributions pursuant to section fourteen of said chapter and said amount is includable in the payroll factor of the income apportionment formula under the provisions of section thirty-eight.

‘Increase in the number of full-time employees employed by the corporations’,

(i) for taxable years ending on and after December thirty-first, nineteen hundred and ninety-two, and before December thirty-first, nineteen hundred and ninety-three, (a) in the case of a corporation having full-time employees employed by the corporation in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-one, the excess of the number of full-time employees employed by the corporation during its taxable year over the number of full-time employees employed by the corporation during its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-one, or (b) in the case of a corporation not having a taxable year ending prior to December thirty-first, nineteen hundred and ninety-one, by reason of recent organization or registration or by reason of not being subject to taxation in the commonwealth or not having any full-time employees in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-one, the number of full-time employees employed by the corporation during its taxable year;
(ii) for taxable years ending on and after December thirty-first, nineteen hundred and ninety-three and before December thirty-first, nineteen hundred and ninety-four, (a) in the case of a corporation having full-time employees employed by the corporation in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-two, the excess of the number of full-time employees employed by the corporation during its taxable year over the number of full-time employees employed by the corporation during its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-two, or (b) in the case of a corporation not having a taxable year ending prior to December thirty-first, nineteen hundred and ninety-two, by reason of recent organization or registration or by reason of not being subject to taxation in the commonwealth or not having any full-time employees in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-two, the number of full-time employees employed by the corporation during its taxable year;

(iii) for taxable years ending on and after December thirty-first, nineteen hundred and ninety-four and before December thirty-first, nineteen hundred and ninety-five, (a) in the case of a corporation having full-time employees employed by the corporation in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-three, the excess of the number of full-time employees employed by the corporation during its taxable year over the number of full-time employees employed by the corporation during its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-three, or (b) in the case of a corporation not having a taxable year ending prior to December thirty-first, nineteen hundred and ninety-three, by reason of recent organization or registration or by reason of not being subject to taxation in the commonwealth or not having any full-time employees in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-three, the number of full-time employees employed by the corporation during its taxable year; and

(iv) for taxable years ending on and after December thirty-first, nineteen hundred and ninety-five and before December thirty-first, nineteen hundred and ninety-six, (a) in the case of a corporation having full-time employees employed by the corporation in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-four, the excess of the number of full-time employees employed by the corporation during its taxable year over the number of full-time employees employed by the corporation during its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-four, or (b) in the case of a corporation not having a taxable year ending prior to December thirty-first, nineteen hundred and ninety-four, by reason of recent organization or registration or by reason of not being subject to taxation in the commonwealth or not having any full-time employees in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-four, the number of full-time employees employed by the corporation during its taxable year; and
(v) for taxable years ending on and after December thirty-first, nineteen hundred and ninety-six and before December thirty-first, nineteen hundred and ninety-seven, (a) in the case of a corporation having full-time employees employed by the corporation in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-five, the excess of the number of full-time employees employed by the corporation during its taxable year over the number of full-time employees employed by the corporation during its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-five, or (b) in the case of a corporation not having a taxable year ending prior to December thirty-first, nineteen hundred and ninety-five, by reason of recent organization or registration or by reason of not being subject to taxation in the commonwealth or not having any full-time employees in its taxable year ending last prior to December thirty-first, nineteen hundred and ninety-five, the number of full-time employees employed by the corporation during its taxable year.

A corporation which is a successor to another employing unit, as defined in section one of chapter one hundred and fifty-one A, by reason of an acquisition or other activity referred to in subsections (d) to (h), inclusive, of section eight of said chapter one hundred and fifty-one A shall, for purposes of this section, treat the employees of such employing unit as having been employees of the corporation during the periods they were employees of such employing unit. For the purposes of this section the activities referred to in said subsections (d) to (h), inclusive, of said section eight of said chapter one hundred and fifty-one A shall include but not be limited to applicable provisions of sections three hundred and one to three hundred and eighty-five, inclusive, of the Internal Revenue Code, as amended, and in effect for the taxable year relating to corporate distributions and adjustments. For the purpose of this section, a corporation having a taxable year ending prior to December thirty-first, nineteen hundred and ninety-one, shall be treated as if it had such a taxable year if, under this paragraph, the corporation is treated as having employees prior to such date.

For a corporation having a taxable year of less than twelve months, herein referred to as a short period, an employee shall be deemed to be a full-time employee if the amount of the remuneration paid to him by the corporation during the short period when multiplied by twelve and divided by the number of months in the short period is at least equal to the maximum amount of wages with respect to which an employer is required to make contributions pursuant to section fourteen of said chapter one hundred and fifty-one A. The credit for a short period shall be computed in the same manner as for a full taxable year but shall be reduced by multiplying the credit so determined by the number of months in the short period and dividing the result by twelve.

The credit allowed under this section shall be in addition to the credit allowed under section thirty-one A; provided, however, that the sum of the credit allowed said section thirty-one A and the credit
allowed under this section shall not reduce the excise to less than
the amount due under subsection (b) of section thirty-two,
subsection (b) of section thirty-nine or section sixty-seven and under
any act in addition thereto.

The credit allowed by all provisions of this section shall be for
taxable years ending on and after December thirty-first, nineteen
hundred and ninety-two, and prior to December thirty-first,
nine hundred and ninety-seven; provided that any corporation
claiming such credit shall furnish such information relative to the
credit as may be required by the commissioner in a form approved
by the commissioner."

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. Bosley; and on the roll call 147 members voted
in the affirmative and 2 in the negative.

[See Yea and Nay No. 154 in Supplement.]

Therefore the further amendment was adopted, thus precluding
a vote on the amendment offered by Mr. Blute of Shrewsbury.

At eleven minutes before eleven o'clock P.M. (Wednesday,
May 27), on motion of Mrs. Gray of Framingham (Mrs. Menard
of Somerset being in the Chair), the House recessed until the hour
of twelve o'clock noon on Thursday, May 28; and at that time the
House was called to order with the Speaker in the Chair.

Thursday, May 28, 1992 (at 12:00 o'clock noon).

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

God, Our Creator, we thank You for the material and spiritual
benefits which You give us daily. We are grateful, too, for Your
personal interest in each of us as well as the concern of family, friends
and associates. As elected officials, help us to respond to the concern
of others by endorsing public policy which serves the best interests
of the people, our communities and society. Grant us the intellectual
ability to articulate clearly the day's issues so that all segments of
our communities will comprehend the possible political, social and
philosophical options which are available to us in these complex
times.

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

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

Message from the Governor.

A message from His Excellency the Governor (under the
provisions of Section 8 of Article LXXXIX of the Amendments to
the Constitution) recommending legislation relative to authorizing
the establishment of "residents only" parking areas in the town of

Falmouth, —
"residents only"
parking areas.
Falmouth (House, No. 5734) was filed in the office of the Clerk during today’s sitting.

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

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 due to effects of my recent hospitalization I will not be present for certain portions of today's sitting. Any roll calls that I may miss today will be 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.

Statement of Representative Donovan of Woburn.

During consideration of the Orders of the Day, Ms. Donovan of Woburn 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 yesterday's sitting due to official business in another part of the State House. Any roll calls that I missed yesterday was due entirely to the reason stated. If I had been present for the taking of Yea and Nay No. 141, I would have voted in the affirmative.

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

Statement of Representative Murray of Cohasset.

During consideration of the Orders of the Day, Mrs. Murray of Cohasset 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 absent from the House Chamber for a portion of yesterday's sitting (May 27) due to a previous commitment to be present at the annual dinner of the Massachusetts Legislator's Association where I was presented with the “Legislator of the Year” award. Any roll calls that I missed yesterday was due entirely to the reason stated.

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

Statement of Representative Petersen of Marblehead.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion
of today's sitting due to a family matter. Any roll calls that I may
miss today will be due entirely to the reason stated.
Mr. Petersen then moved that the statement made by him be
spread upon the records of the House; and the motion prevailed.

Statement of Representative O'Sullivan of Worcester.

During consideration of the Orders of the Day, Mr. O'Sullivan
of Worcester 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 my district. Any roll calls
that I may miss today will be due entirely to the reason stated.
Mr. O'Sullivan 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 Boston.

During consideration of the Orders of the Day, Ms. Walsh 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 por-
tion of yesterday's sitting due to official business in my district
where I was attending an inaugural ceremony at the Holy Name
School in the West Roxbury district of the city of Boston. Any roll
calls that I missed yesterday was due entirely to the reason stated.
Ms. Walsh then moved that the statement made by her 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 Mrs. Kehoe of Dedham) honoring Shirley B.
Howard;
Resolutions (filed by Messrs. Mariano of Quincy, Morrissey of
Quincy and Tobin of Quincy) honoring General Gordon R.
Sullivan, Chief of Staff, United States Army;
Resolutions (filed by Mr. Ranieri of Bellingham) congratulating
the fourth grade students at Oak Street School of Franklin on their
award winning project; and
Resolutions (filed by Mr. Tolman of Watertown) honoring
Thomas E. Oates for his thirty-eight years of service to the
Watertown schools 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. Ranieri,
the resolutions (reported by the committee on Bills in the Third
Reading to be correctly drawn) were considered forthwith; and they
were adopted.
Belmont,—
Robert
Grant.
Michael
Sherback.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:
Resolutions (filed by Ms. Gibson of Belmont) congratulating Robert Grant on the occasion of his retirement; and
Resolutions (filed by Representatives Lewis of Bridgewater and Hyland of Foxborough) congratulating Michael Sherback;
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 Ms. Gibson, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

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. 5686) 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 1595) (in which the House had non-concurred), concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators McGovern, Wetmore and Rauschenbach were joined as the committee on the part of the Senate.

Bills
Directing the State Boston Retirement Board to retire Francis X. Foley a police officer of the city of Boston (Senate, No. 1479) (reported on a petition) [Local Approval Received]; and
Relative to the insolvency fund for workers' compensation benefits (Senate, No. 1588) (reported on Senate, No. 1411);
Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Swampscott,—
board of selectmen.

A petition (accompanied by bill, House, No. 1596) of Walter J. Boverini and Douglas W. Petersen (by vote of the town) for legislation to provide for a five-member board of selectmen in the town of Swampscott, was referred, in concurrence, to the committee on Local Affairs.

A petition (having been returned to the Clerk of the Senate by the State Secretary, under Chapter 3 of the General Laws with memorandum relative thereto) came from the Senate referred, under suspension of Joint Rules 12 and 9, as follows:
Petition of Jane M. Swift for legislation to increase the amount of income which may be derived from real and personal property held by the First Congregational Society in the town of Becket.
The House then concurred with the Senate in the suspension of said rules; and the petition (accompanied by bill, Senate, No. 1599) was referred, in concurrence, to the committee on Commerce and Labor.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 1600) of Edward L. Burke for legislation relative to recording of certain notices of a foreclosure sale. To the committee on Banks and Banking.

Petition (accompanied by bill, Senate, No. 1601) of Jane M. Swift, Stanley C. Rosenberg and Shawn P. Kelly for legislation relative to labelling of milk products. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 1602) of Jane M. Swift for legislation to authorize the placing of a public policy question on the ballot to be used in Berkshire County at the state election relative to the abolition of county government in said county. To the committee on Counties.

Petition (accompanied by bill, Senate, No. 1603) of W. Paul White for legislation relative to the licensing of schools teaching electrolysis. To the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 1604) of Jane M. Swift for legislation relative to insurance for state retirees. To the committee on Insurance.

Petition (accompanied by bill, Senate, No. 1605) of Jane M. Swift, Stanley C. Rosenberg and James P. Jajuga for legislation relative to compensation for certain furloughed state employees. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1606) of Jane M. Swift for legislation to establish a dairy equalization fund; and

Petition (accompanied by bill, Senate, No. 1607) of Raymond A. Letendre for legislation to further regulate hunting and fishing licenses for disabled veterans;

Severally to the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, Senate, No. 1608) of Jane M. Swift for legislation relative to the Massachusetts Cultural Council. To the committee on State Administration.

Petition (accompanied by bill, Senate, No. 1609) of Jane M. Swift for legislation relative to the taxation of unemployment insurance benefits. To the committee on Taxation.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Marie-Louise Kehoe, Christopher M. Lane and Gregory W. Sullivan for legislation to establish a sick leave bank for Probation Officer Daniel Griffin, an employee of the Boston Municipal Court. Under suspension of Rule 42, on motion of Mrs. Menard, 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. 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 allowing police vehicles to display a combination red and blue light. Under suspension of Rule 42, on motion of Mrs. Menard, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety. Sent to the Senate for concurrence.

By Mr. McIntyre of New Bedford, for the committee on Criminal Justice, on Senate, Nos. 124 and 144 and House, Nos. 697, 2626 and 5014, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning career criminals, recidivists and alternative sentencing (House, No. 5725).

By the same member, for the same committee, on Senate, Nos. 133, 135, 147, 148 and 187 and House, Nos. 892, 1851, 3868, 4063, 4827 and 5166, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning extortion, bribery, blasphemy, computer crime, juveniles, banking crimes and the statutory right of arrest (House, No. 5726).

By the same member, for the same committee, on Senate, Nos. 145, 169 and 188 and House, Nos. 321, 512, 695, 885, 886, 1652, 2419, 3139, 3140, 3144, 3339, 3515, 3696 and 3867, an Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning criminal penalties for sex offenders, major drug dealers, furlough programs for prisoners, presumptive sentencing, probation, parole and disciplinary periods for violation of law (House, No. 5727).

By Ms. Buell of Greenfield, for the committee on Health Care, on Senate, No. 446 and House, Nos. 916 and 1308, an Order relative to authorizing the committee on Health Care to make an investigation and study of certain Senate and House documents concerning the practice of optometry (House, No. 5728).

By the same member, for the same committee, on House, Nos. 353, 354, 355, 357, 552, 554, 1492, 1687, 2452, 3007, 3015, 3729, 4867, 5040, 5042, 5044, 5046, 5047 and 5425, an Order relative to authorizing the committee on Health Care to make an investigation and study of certain House documents concerning blood samples in motor vehicle accidents, the immunization of police officers and fire fighters and other matters related to health and safety conditions in the Commonwealth (House, No. 5729).

By Mr. Hodgkins of Lee, for the committee on State Administration, on Senate, Nos. 1143, 1149, 1158, 1168, 1172, 1200, 1209 and 1211 and House, Nos. 124, 128, 434, 646, 819, 1016, 1027, 1030, 1601, 1788, 1802, 1804, 2197, 2198, 2201, 2555, 3090, 3094,
3798 and 4959, an Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the disposition of state-owned property in the Commonwealth (House, No. 5730).

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

Engrossed Bill.

The engrossed Bill authorizing the city of Pittsfield to accept certain statutes at a special election (see House, No. 5453) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted. Mr. Larkin of Pittsfield 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.

Orders of the Day.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-three for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5600, amended) was considered, the main question being on passing it to be engrossed.

There being no objection,—Representatives Menard of Somerset, Buell of Greenfield, Owens-Hicks of Boston, Resor of Acton and Jehlen of Somerville moved that the bill be amended in section 2, in item 4530-1000, by striking out, in lines 5 and 6, the words "one million six hundred and thirteen thousand dollars" and inserting in place thereof the words "two million six hundred and thirteen thousand dollars". The amendment was adopted.

Mr. Moore of Uxbridge then moved that the bill be amended in section 2, in item 7512-0100, by inserting after the word "program," in line 2, the words "provided, however, that the College shall conduct a needs assessment study of continuing education services in Southern Worcester County."

The amendment was adopted.

The same member then moved that the bill be amended by inserting after section 161 the following two sections:

"SECTION 161A. Section 5 of Chapter 12A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the words 'attorney general' and inserting in place thereof the words 'secretary of administration and finance'.

SECTION 161B. Section 4 of Chapter 12A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting at the end of the second paragraph, the following sentence: — The inspector general may establish motor vehicle regulations for the officer and employees of the office of inspector
general and the provisions of section 36 of chapter 30 of the General Laws shall not apply to officers and employees with the office.”.

After remarks (Mrs. Menard of Somerset being in the Chair) the amendment was adopted.

Mr. Moore then moved that the bill be amended by inserting after section 36 the following four sections:

“SECTION 36A. Chapter seven of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section twenty-seven the following new section: —

7:27 A Coordination of Travel Services by the Purchasing Agent.

Section 27A. The state purchasing agent shall coordinate the purchase of travel services by authorized officers and employees of the commonwealth in such a manner to insure cost-effective management of the commonwealth’s purchasing power for such services.

In the administration of the provisions of this section, the purchasing agent is authorized to contract with one or more vendors to provide coordinated management of the purchase of travel and travel related services.

SECTION 36B. Section 28 of chapter seven of the General Laws, as appearing in the 1988 Official Edition, is hereby amended in line 11, after the word ‘commonwealth’, by inserting the following: — provided, however, that all authorized travel shall be administered in a centrally coordinated and cost-effective manner.

SECTION 36C. Section 17 of chapter seventy-three of the General Laws, as appearing in the 1988 Official Edition, is hereby amended in line 2, after the word ‘college’, by inserting the following: — provided, however, that said policy shall require coordination with other state agencies which purchase travel services through a central office to insure cost-effective utilization of the group purchasing power of the commonwealth.

SECTION 36D. Section 32 of chapter seventy-five of the General Laws, as appearing in the 1988 Official Edition is hereby amended in line 2, after the word ‘university’, by inserting the following: — provided, however, that said policy shall require coordination with other state agencies which purchase travel services through a central travel office to insure cost-effective utilization of the group purchasing power of the commonwealth.”.

After remarks the amendment was adopted.

There being no objection, — Messrs. Finneran of Boston and Moore of Uxbridge moved that the bill be amended in section 2, in item 3022-9102, by inserting after the word “thousand”, in line 6, the words “five hundred”.

After remarks the amendment was adopted.

Ms. Buell of Greenfield then moved that the bill be amended by striking out section 44 and inserting in place thereof the following section:

“SECTION 44. By October first, nineteen hundred and ninety-two, the Title XIX medical assistance program administered by the department of public welfare shall establish a program of assisted
living for Title XIX recipients whose nursing and other health needs do not meet the department’s admissions criteria for nursing facility services. Such assisted living program shall provide necessary non-institutional health services and assistance with activities of daily living to eligible recipients living on qualified assisted living settings. Prior to the implementation of the program, the department shall establish appropriate medical necessity criteria to determine a recipient’s eligibility for assisted living services and establish licensure and/or certification standards to protect consumers and ensure the quality of care. The department shall further identify how such services will affect the existing long term care delivery system, particularly with respect to their impact on freestanding intermediate care nursing facilities and residential care facilities. The department shall further identify the resources necessary, potential federal reimbursements available, and savings possible from implementing said services, including the resources necessary to mitigate any adverse effects on existing facilities which might be affected by said implementation. The department shall file proposed regulations necessary to implement said program with the joint committee on health care and the house and senate committees on ways and means not later than September first, nineteen hundred and ninety-two.”.

The amendment was adopted.

Mr. Kollios of Millbury then moved that the bill be amended by inserting after section 101 the following section:

"SECTION 101A. Section 1 of chapter 19C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the words ‘police officer’ on line 28 and inserting in place thereof the following: — police officer, firefighter, emergency medical technician, correctional officer.

Section 1 of chapter 19C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in section 1, in the definition for the term ‘disabled person’, by adding at the end the following clause:

‘including all persons who are over the age of eighteen and are mentally retarded, otherwise mentally disabled, or physically disabled, and reside in a state school, state hospital, or any residential setting operated by a private agency which provides services to disabled persons, or have as their caretaker a state agency, as defined in this chapter.’

Section 2 of Chapter 19C of the General Laws is hereby amended by striking in line 2 the words ‘human services’ and inserting in their place the words ‘administration and finance’.

Section 3 of said chapter 19C is hereby amended by striking out clauses (c) and (d) and inserting in place thereof the following two clauses:

‘(c) to provide for the investigation of reports alleging the abuse of disabled persons and, as required, for the development of plans for the provision of protective services, subject to the oversight of the commission, and pursuant to the provisions of section four;
General Appropriation Bill.

(d) to ensure that protective services are furnished by other state agencies in accordance with the provisions of section six.'.

Subsection (b) of section 4 of said chapter 19C is hereby amended by deleting in the first sentence the words ‘the executive office of human services’ and inserting in its place the words ‘any executive office’.

Subsection (b) of section 4 of said chapter 19C is hereby further amended by adding at the end thereof the following sentence: — ‘Notwithstanding any general or special law to the contrary, the Commission, for the purpose of carrying out the provisions of this chapter, shall have access to investigative reports prepared by the departments of mental health and mental retardation pursuant to their regulations.’.

Said section 4 of chapter 19C is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph: —

‘(c) refer immediately any such reports which allege the occurrence of abuse of a disabled person whose caretaker is other than a state agency to the general counsel and to one of the following, depending on the nature of the disability of the alleged victim of abuse; to the department of mental retardation, in those cases where the disabled person is mentally retarded; the department of mental health, in those cases where the disabled person is mentally disabled but not mentally retarded; the Massachusetts rehabilitation commission, in those cases where the disabled person is physically disabled and not mentally disabled or mentally retarded. Such general counsel, department of mental retardation, department of mental health, or Massachusetts rehabilitation commission shall immediately, upon such referral, designate an investigator who shall investigate such abuse as provided for in section five, subject to the oversight of the commission, and subject to the authority of the commission to conduct its own investigation.’.

Subsection (1) of section 5 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 7, the words ‘public health’ and inserting in place thereof the words: — mental retardation or the Massachusetts rehabilitation commission.

Said subsection (1) of said section 5 of said chapter 19C, as so appearing, is hereby further amended by striking out, in line 17, the words ‘and the department of public health’ and inserting in place thereof the words: — , department of mental retardation or the Massachusetts rehabilitation commission, as appropriate.

Subsection (3) of said section 5 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 22, the words ‘and the department of public health’ and inserting in place thereof the words: — , department of mental retardation or the Massachusetts rehabilitation commission, as appropriate.

Said subsection (3) of said section 5 of said chapter 19C, as so appearing, is hereby further amended by adding the following paragraph: —

‘If said findings indicate that there is reasonable cause to believe that abuse of a disabled person by a caretaker has occurred, then
said recommendations shall include a plan for the provision of protective services developed in accordance with section six of this chapter.'.

Said section 5 of said chapter 19C, as so appearing, is hereby further amended by adding the following subsection: —

‘(5) If, upon receipt of a report of abuse of a disabled person, or upon receipt of a written determination and evaluation prepared and forwarded to the commission pursuant to the provisions of subsection (1), there is a reasonable cause to believe that any of the following conditions exist, then, notwithstanding any provisions of chapter sixty-six A regarding personal data, the commission shall immediately report such conditions and forward said investigation and evaluation report, together with any other materials or information which the commission has obtained or received and which are relevant to the alleged abuse, to the district attorney for the county in which the abuse is alleged to have occurred; provided that no person providing notification or information to a district attorney or providing testimony in court pursuant to the provision of this section, shall be liable in any civil or criminal action by reason of such action:

(a) a disabled person has been sexually abused or raped, or assaulted or battered, as set forth in chapter two hundred and sixty-five;

(b) a disabled person has suffered brain injury, loss or substantial impairment of a bodily function or organ, or substantial disfigurement;

(c) a disabled person has suffered serious bodily injury as a result of a pattern of repetitive actions or inactions by a caretaker.'.

Said chapter 19C is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:

—

'Section 6. The commission, acting through state agencies within the executive office of health and human services designated by the commission for the purpose of providing protective services; the department of mental retardation, for the purpose of providing protective services to persons who are mentally retarded as defined in chapter one hundred and twenty-three B; the department of mental health, for the purpose of providing protective services to persons who are otherwise mentally disabled; and the Massachusetts rehabilitation commission, for the purpose of providing protective services to persons who are physically disabled and not mentally retarded or otherwise mentally disabled, shall, as necessary to prevent further abuse in cases investigated by said commission or department, and subject to the oversight of the commission: —

1) furnish protective services to a disabled person, either with his consent or with the consent of his guardian; provided that, to the extent possible, the plan of protective services shall be developed in consultation with said disabled person, and shall reflect an intent to furnish such protection in a manner which allows said disabled person to receive care and assistance in the least restrictive manner,
and promotes and protects said disabled person's right to self determination.

(2) petition the court for appointment of a conservator or guardian or for issuance of an emergency order for protective services as provided in section seven;

(3) furnish protective services to a disabled person on an emergency basis as provided in section seven.

Subsection (a) of section 7 of said chapter 19C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

If the commission, the general counsel, the department of mental health, the department of mental retardation or the Massachusetts rehabilitation commission has reasonable cause after initiation of an investigation to believe that a disabled person is suffering from abuse and lacks the capacity to consent to the provision of protective services such commission, counsel or department may petition the probate and family court for the county, or the district court for the judicial district, in which the disabled person resides or is located if he has left his residence to avoid abuse, for a finding that the disabled person is incapable of consenting to the provision of protective services.'.

Subsection (b) of said section 7 of said chapter 19C, as so appearing, is hereby amended by striking out in line 38, the word 'court' and inserting in place thereof the words: — probate and family court for the county, or the district court for the judicial district, in which the disabled person resides, or is located if he has left his residence to avoid abuse.

Said chapter 19C is hereby further amended by striking out section 11, as so appearing, and inserting in place thereof the following section: —

'Section 11. No person shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against or thereafter take any other retaliatory action against any employee, client, or other person for filing a report with the commission or testifying in any commission proceeding, or providing information to the commission, the general counsel or the secretary of human services, the department of mental health, or department of mental retardation or the Massachusetts rehabilitation commission or any department in the executive office of health and human services, in the course of an investigation of alleged abuse of a disabled person. Any person who willfully violates the provisions of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. Any person who takes such prohibited action against any employee, client or other person shall be liable to said employee, client or other person for treble damages, costs and attorney's fees.'.

Section 12 of said chapter 19C, is hereby amended by adding the following paragraph:—

'Law enforcement agencies whose investigations are being monitored by the commission shall cooperate with the commission
in its monitoring duties, in order that the commission may fulfill its purpose under this chapter.'.

Said chapter 19C is hereby further amended by adding the following two sections:

'Section 13. Access to certain records. The commission, for the purpose of carrying out the provisions of this chapter, shall have access to criminal offender record information, as defined in section one hundred and sixty-seven of chapter six.

The commission, for the purpose of carrying out the provisions of this chapter, shall have access to autopsy reports and related records in the possession of the chief medical examiner regarding the deaths of disabled persons.

Section 14. Reports of deaths. Upon the death of any disabled person whose caretaker was a state agency or an agency of any subdivision of the commonwealth or a private agency contracting with the commonwealth, said caretaker agency shall immediately notify the commission and local law enforcement officials of such death, and shall forward to the commission and local law enforcement officials a written report of such death within twenty-four hours of the death. Said report shall contain the name of the disabled person, the name of the facility in which that person resided, and the facts and circumstances of the death. The commission shall take all appropriate measures regarding the report pursuant to its authority under this chapter, including investigating the death, and shall determine whether the cause of death is related to abuse. If it is determined that the death is related to abuse, the commission shall conduct further investigation, or shall oversee further investigation, pursuant to the provisions of this chapter.'.

Chapter 30 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 9B the following section:

'Section 9BV. It shall be deemed that there is just cause to discipline, including but not limited to discharge, an employee of the Commonwealth, if it is determined by a preponderance of the evidence that such employee abused a person with a disability in the care of the Commonwealth, including, but not limited to, the department of mental health, department of mental retardation, department of public health, department of social services, division of youth services, department of education, and Bridgewater state hospital. For the purposes of this section abuse includes, but is not limited to, (1) any non-accidental act or omission which results in physical or emotional injury to the person, (2) non-accidental, unauthorized physical aggression such as hitting, kicking, slapping, tripping, spitting, or pinching, (3) verbal harassment, such as the use of derogatory, demeaning or offensive names or language in speaking to or about a client, and (4) sexual harassment. In any disciplinary proceeding pursuant to this section, chapter 150E, or chapter 31 the report of an investigation of abuse shall be admitted into evidence for the truth of the matters asserted therein. The credibility of any witness or the veracity of any witness's statements
given at a disciplinary proceeding pursuant to this section, chapter 150E, or chapter 31 may not be challenged solely on the basis of his/her disability.’.

Chapter 6A as appearing in the 1990 Edition of the General Laws is hereby amended by inserting after section 16 the following new section:

‘Section 16A. There shall be within the executive office of human services a registry of human service workers. Said registry shall contain the names, positions held, and dates of employment of all persons having worked directly with persons with disabilities in State or State funded programs. Prior to hiring a prospective employee to work directly with one or more persons with a disability a prospective employer shall contact said registry regarding said prospective employee. Upon receiving the name of former employers and dates of service said prospective employer shall ask for and record receipt of references from former employers regarding the prospective employee. Whenever an employer is contacted by a prospective employer for an employment reference regarding a former employee, the employer shall provide a complete and accurate statement of any allegations of abuse as defined in Section 9B1/2 of chapter 30 by such employee when such allegations resulted in disciplinary action. No employer shall be held liable for truthful disclosures or statements made in compliance with this section.”.

After remarks the amendment was adopted.

There being no objection, — Mr. Kollios moved that the bill be amended in section 2 by striking out item 4540-1000 and inserting in place thereof the following item:

“For the substance abuse program, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients, provided that the department shall expend three hundred thirty thousand eight hundred and thirty-two dollars, of which the state comptroller is hereby authorized and directed to transfer to the General Fund from unclaimed prize money that has been held in the State Lottery Fund for more than one year from the date of the drawing in which the prize was won two hundred thirty thousand eight hundred and thirty-two dollars, and of which the trustees of the Running Horse Capital Improvements Fund are hereby authorized and directed to transfer pursuant to Section 3 of chapter 114 of the Acts of 1991 one hundred thousand dollars from so-called breaks to the General Fund, for a compulsive gamblers treatment program to be administered by the Massachusetts Council on Compulsive Gambling 29,459,647”.

The amendment was adopted.
Mr. Kollios then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 311. The division of purchased services shall create administrative/support service rates for so-called MM vendors. Said rates shall establish the maximum amount the Commonwealth shall pay for administrative/support costs to MM vendors taking into due consideration the commonwealth's fiscal situation. The division shall also establish rates for all services provided by selected MM vendors for the purpose of establishing a component pricing pilot program in fiscal year nineteen hundred and ninety-three.”

The amendment was adopted.

The same member then moved that the bill be amended by inserting after section 75 the following three sections:

“SECTION 75A. The first paragraph of section one hundred and ninety-five of chapter six of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the third, fourth and fifth sentences and inserting in place thereof the following sentences: —

The majority of the council members shall be persons who, for purposes of this section self-identify as Deaf community members, Late-deafened/deaf, deaf or hard of hearing. Every reasonable effort shall be made to include an equal number of Deaf community members, Late-deafened/deaf, deaf, and hard of hearing members. Each member shall serve for a term of two years.

SECTION 75B. The second paragraph of section one hundred and ninety-five of Chapter six of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking both sentences and inserting in place thereof the following sentences: —

The Commissioner shall nominate persons whose service will assure representation of the interests of parents, interpreters, the Deaf community, Late-deafened/deaf persons, deaf, and hard of hearing persons from all geographic areas of the Commonwealth. The Commissioner's nominations shall be from a list provided from consumer groups and individuals representing such Deaf, Late-deafened/deaf, deaf, and hard of hearing persons, as well as parents and interpreters.

SECTION 75C. Section one hundred and ninety-one of Chapter six of the General Laws, as appearing in the 1990 Official Edition, is further amended by adding the following definition: —

‘Late-deafened/deaf’, a deaf person for whom spoken language is the primary and preferred mode of communication where supplemented by other visual and/or auditory enhancement modes. The term ‘Late/deafened’ indicates that the onset of hearing loss occurred after the individual acquired full spoken language competence.”

The amendment was adopted.

Mr. Kollios then moved that the bill be amended in section 2, in item 9110-1630, by inserting after the word “services”, at the end thereof, the following: — “; provided further that no funds authorized under this item and items 9110-1603 and 9110-1633 shall
be expended unless the twenty-seven home care service areas as constituted on January first, nineteen hundred and ninety-two continue to be maintained; provided, however, that no less than such twenty-seven service areas shall exist unless the corporation or entity servicing a service area to be reduced or consolidated and the department of elder affairs mutually agree to such a reduction or consolidation. It is the intent of the General Court that the maintaining of such twenty-seven service areas, except as specifically provided otherwise in the preceding sentence, operates as a condition to the expenditure of any funds authorized under this item and items 9110-1603 and 9110-1633”.

The amendment was adopted.

There being no objection, Messrs. Bradford of Rochester and Tarr of Gloucester moved that the bill be amended by adding at the end thereof the following section:

“SECTION 312. A special commission to consist of three members of the senate, five members of the house of representatives and seven members appointed by the governor is hereby established for the purpose of making an investigation and study of state’s fiscal relationship with local government. Such investigation and study shall include a review of the state’s policy of state tax revenue sharing with local government, including implementation of chapter 268 of the acts of 1990 and distribution of the municipal share of the motor fuels excises, its programs for the distribution of financial assistance, the use of Lottery revenues, the state’s local government reimbursement programs, including the reimbursement of cities and towns for the loss of property tax revenue attributable to state property and other tax exempt property, its municipal assessment programs, its grant programs for municipal and regional capital construction projects, and any other similar state fiscal policies or programs which affect local government revenues available to provide local services. The commission shall file a report of its finding and recommendations, if any, with the clerk of the senate and clerk of the house of representatives no later than the first Wednesday in May of nineteen hundred and ninety-three.”

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

Mr. Bradford then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 313. Section 3B of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding at the end thereof the following paragraph:

Notice of said increase or decrease or establishment of a new fee or charge, whether or not such fee or charge is provided for in this section, shall be filed with the clerks of the senate and house of representatives, who shall refer such notice to their respective committees on ways and means. Said secretary shall not increase or decrease any existing fee or charge or establish any new fee or charge unless the general court has approved a resolution approving said proposed action within the next sixty calendar days after said
notice has been referred to such committees, the general court not having prorogued or dissolved within such sixty days. Said secretary shall annually, on or before the last Monday in October, file with the house and senate committees on ways and means a report detailing the total amount of revenue derived from each of said fees and charges, a separate list of fees or charges increased or lowered during the fiscal year and the amount of revenue gained or lost therefrom, and any recommendations that the said secretary may choose to make regarding this source of non-tax revenue and its operation and as provided by the second paragraph of this section."

The amendment was adopted.

Mrs. Parente of Milford then moved that the bill be amended by inserting after section 248 the following section:

"SECTION 248A. The definition of 'state employee' in section 1 of chapter 268A is hereby amended by inserting after the first sentence the following sentence: — All persons providing goods, supplies, equipment or services under a contract in excess of forty thousand dollars per annum with an agency or department of the commonwealth, shall be deemed to be a state employee for ethics purposes only."

After remarks 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 56 members voted in the affirmative and 93 in the negative.

[See Yea and Nay No. 155 in Supplement.]

Therefore the amendment was rejected.

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

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

Ms. Bump of Braintree then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 314. Notwithstanding any general or special law, ordinance, by-law or regulation to the contrary, the Braintree Hospital is authorized to operate not less than two congregate living health facilities with from eight to twelve beds each, one of which
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may provide pediatric services and one of which may provide adult services. The Commissioner of Public Health shall approve such facilities to provide a scope, duration and amount of services consistent with the scope of services authorized for congregate living health facilities operated in the State of California under Section 1250(i) of the Health and Safety Code of the State of California as of January 1, 1992.

Except as otherwise provided herein, a congregate living health facility shall be deemed to be a residential use for purposes of any general or special laws, rules or regulations, local ordinances or by-laws which relate to building or zoning. A congregate living health facility shall, only for purposes of the state building code, be deemed to be a limited group residence and shall be of at least type 5-A construction; restrict resident living areas to a single story; be fully sprinklered; have a one hour burn rating for the entire building and shall be authorized to serve up to twelve impaired persons.

Notwithstanding any general or special law or regulation to the contrary, congregate living health facilities authorized by this section shall be operated pursuant to Braintree Hospital's hospital license. No determination of need by the department of public health shall be required for the construction and/or operation of the congregate living health facility. The congregate living health facility authorized herein shall be exempt from the provisions of Sections 25 to 25D of Chapter 111 of the General Laws as appearing in the 1990 Official Edition.

The rates and charges for the congregate living health facility shall not be subject to the provisions of Sections 31 to and including 44 of Chapter 6A of the General Laws, as appearing in the 1990 Official Edition, nor shall such revenues or expenses be attributed to Braintree Hospital in establishing its rates and charges pursuant to said sections.

The commissioner of public health shall monitor, review and approve this pilot project and shall issue annual reports to the Ways and Means Committees of the House and Senate and the Secretary for Human Services, which report shall recommend whether or not this project shall be further expanded.”.

The amendment was adopted.

There being no objection, — Representatives Marzilli of Arlington, Resor of Acton and Krekorian of Reading moved that the bill be amended by inserting after section 168 the following section:

“SECTION 168A. Section 21 of chapter 40D of the General Laws is hereby amended by adding the following new section: —

‘Full capacity fees’ shall be defined as the fees calculated on the condition that a resource recovery facility is operating at its maximum sustainable throughput rate.

‘Maximum sustainable throughput rate’ shall be defined as the operating condition at which a resource recovery facility is designated to operate on a continual basis. Notwithstanding any currently existing contractual provisions to the contrary, tipping fees
charged to municipalities by the operators of resource recovery facilities shall not exceed full capacity fees at any time.

The amendment was adopted.

There being no objection, — Messrs. Hynes of Marshfield, Sullivan of Abington, Palumbo of Newbury, Goguen of Fitchburg and Connolly of Everett moved that the bill be amended in section 3 by striking out the paragraph contained in lines 6 to 10, inclusive, and inserting in place thereof the following paragraph:

"Notwithstanding the provisions of any general or special law to the contrary, the lottery distribution to cities and towns for the fiscal year ending June thirtieth, nineteen hundred and ninety-three shall be three hundred and twenty-nine million dollars; provided further, that any amount in the balance of the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund and be available for lawful appropriations allowed from the Local Aid Fund."

Pending the question on adoption of the amendment, Mr. Sullivan of Abington 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 131 members were recorded as being in attendance.

[See Yea and Nay No. 156 in Supplement.]

Therefore a quorum was present.

The amendment offered by Messrs. Hynes of Marshfield, et als, then was adopted.

Ms. Bump of Braintree then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 315. Section 6 of chapter 150 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentences: — The application for public sector grievance arbitration shall be accompanied by a filing fee, the amount of which shall be four hundred dollars or any greater fee which may be established by the commissioner of administration under the provisions of section three B of chapter seven for the filing thereof; provided, however, that the amount of any such fee shall be paid in equal shares by the party seeking application and the answering party or if the application is by a single party, said party shall pay one-half of such fee and the answering party shall pay the remaining one-half; provided, further, that the board may, where appropriate, provide for the waiver of the filing fee for any particular controversy or classes of controversies.

The application for private sector grievance arbitration shall be accompanied by a filing fee, the amount of which shall be eight hundred dollars or any greater fee which may be established by the commissioner of administration under the provisions of section three B of chapter seven for the filing thereof; provided, however,
that the amount of any such fee shall be paid in equal shares by the party seeking application and the answering party or if the application is by a single party, said party shall pay one-half of such fee and the answering party shall pay the remaining one-half; provided, further, that the board may, where appropriate, provide for the waiver of the filing fee for any particular controversy or classes of controversies.

The application for grievance mediation arbitration shall be accompanied by a filing fee, the amount of which shall be one hundred dollars or any greater fee which may be established by the commissioner of administration under the provisions of section three B of chapter seven for the filing thereof; provided, however, that the amount of any such fee shall be paid in equal shares by the party seeking application and the answering party or if the application is by a single party, said party shall pay one-half of such fee and the answering party shall pay the remaining one-half; provided, further, that the board may, where appropriate, provide for the waiver of the filing fee for any particular controversy or classes of controversies."

The amendment was adopted.

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

"SECTION 316. Section 53E½ of Chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word 'employees', in line 24, the words: — ; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided, further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages and salaries.".

The amendment was adopted.

Ms. Hornblower of Groton then moved that the bill be amended in section 2 by striking out, in item 4520-1000, the figures "25,786,925" and inserting in place thereof the figures [A] "20,686,925"; and by inserting after item 4570-1000 the following item:

[B] "4570-1500 Provided that no less than the amount of five million one hundred thousand dollars be dedicated for breast cancer research 5,100,000".

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 78 members voted in the affirmative and 74 in the negative.

[See Yea and Nay No. 157 in Supplement.]

Therefore the amendments were adopted.

Subsequently Ms. Schur of Newton moved that this vote be reconsidered; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Ms. Hornblower moved that the amendment (offered by her) be amended by striking out, in item 4520-1000, the figures "20,686,925"
[at "A"] and inserting in place thereof the figures “22,686,925”; and by striking out proposed item 4570-1500 [at "B"] and inserting in place thereof the following item:

"4570-1500 Provided that no less than the amount of three million dollars be dedicated for early breast cancer detection, mammography access for the uninsured and a public awareness program and research .......................... 3,000,000".

The further amendments were adopted.
The amendments offered by Ms. Hornblower of Groton, as amended, then were adopted.

After remarks Mr. Bradford of Rochester moved that the bill be amended by adding at the end thereof the following section:

"SECTION 317. Chapter 29 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after section 5D the following:

Section 5E. At the same time as he files his budget, the governor shall file with the general court a message containing his estimates, in total and by category, of the amount of state revenues that will be available for expenditure during the next fiscal year. In addition, the message shall contain:
(a) provisions of economic conditions for the next fiscal year;
(b) realized revenues for the previous fiscal year, by category; and
(c) a statement of any anticipated significant changes in federal financial assistance.

No appropriation bill shall be presented for debate on the floor of either branch of the general court unless there is an approved joint revenue estimate resolution. An ‘approved joint revenue estimate resolution’ is a statement of the estimated total amount of revenue available for expenditure during the fiscal year in question adopted by both branches of the general court and approved by the governor.

Any such revenue estimate may be changed by a subsequent approved joint revenue estimate resolution reflecting the changed estimate. Such a subsequent resolution shall not be considered or voted on by either branch of the general court when an appropriation bill or any matter related to it is pending before that branch.

If any appropriation bill transmitted to the governor would provide for expenditures in excess of the last approved joint revenue estimate resolution adopted and approved prior to the enactment of the appropriation bill, the governor shall make such budget reductions as are needed to reduce the total appropriations in the bill to the level of the estimated revenue set in the joint revenue estimate resolution."

The amendment was adopted.

Mr. Poirier of North Attleborough then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 318. Chapter 21H of the General Laws is hereby amended in section four by adding after subsection (k) the following new section:
(k½) Prior to the closure or scheduling for closure of a landfill for reasons other than that the landfill has reached full capacity as
determined by the department, the department shall perform an
assessment in accordance with the provisions of this section, which
shall include an assessment of whether leachate contamination
exists. Except as provided for in subsection (l½) of section three,
no landfill shall be closed or scheduled for closure unless the
department has determined through an assessment that leachate
contamination exists or poses an imminent threat to an existing, or
a potential, as determined by the department, source of drinking
water.

SECTION 319. Said Chapter 21H is further amended by
inserting in section three, after subsection (b)(1), the following new
section:

(l½) The department shall provide financial assistance to public
bodies for one hundred percent of the costs of closure projects at
landfills which have not yet reached full capacity, and for which the
department has not determined that any leachate contamination
exists or poses an imminent threat to an existing, or a potential, as
determined by the department, source of drinking water, pursuant
to subsection (k½) of section four, as well as any costs related to
the resultant siting and construction of an alternative solid waste
facility, or transportation of solid waste to another facility. Public
bodies receiving financial assistance under this subsection shall be
exempt from the provisions of subsections (e) through (l) of this
section."

The amendment was adopted.

Ms. Buell of Greenfield then moved that the bill be amended by
adding at the end thereof the following section:

"SECTION 320. Section 5 of chapter 176A of the General Laws
as most recently amended, is hereby amended by adding the
following at the end of the fourth paragraph:

All contracts made and all rates of payment paid by such
corporation with or to providers of home infusion therapy services
shall be approved in advance by the rate setting commission
established under section thirty-two of chapter 6A, in this section
called the commission. No contract or rate of payment under any
such contract with a provider of home infusion therapy services shall
be approved nor its continuance permitted by the commission,
unless:

1. the contract provides payment for not less than all home
infusion therapies and services which such corporation has paid for
as an extended benefit or otherwise covered as a benefit prior to
the enactment of this act, including but not limited to, services to
individuals infected with the HIV virus;

2. the contract does not limit the designation of a home infusion
therapy provider by a subscriber or attending physician where such
designation is related to the intensity and availability of services
required by the patient or subscriber;

3. the rate of payment is sufficient to provide the level and
intensity of nursing services required by the individual patient or
subscriber including, without limitation, those patients or
subscribers requiring home infusion therapy as a result of bone marrow and/or solid organ transplants, as determined by the assessment tool, which the commissions directed to prescribe by regulation;

4. such provider provides comprehensive services which include services for nursing, dietary, pharmacy, material management, including medical waste disposal and equipment maintenance, educational and psycho-social services, maintains a comprehensive formula which has the capability to provide availability of infusion therapy services in the scope and intensity required by the patient population in its service area, and information services which monitor for drug interactions and adverse drug reactions;

5. the corporation contracts with a sufficient number of providers such that the subscriber has a meaningful choice of providers;

6. the corporation provides that where an attending physician makes a medical determination that the providers of home infusion therapy services under contract with the corporation do not offer the services which are medically necessary for the patient according to generally accepted medical practice, the physician may designate a provider of home infusion therapy services which offers the services required by the patient and such services shall be paid as an extended benefit; and

7. the contract provides that the corporation shall not deny payment for any home infusion therapy services ordered by a licensed physician unless the corporation first notifies, in writing, the patient, subscriber, provider and patient's physician that the services are not medically necessary according to generally accepted medical practice and, therefore, are not covered by subscriber's policy or are not otherwise covered by the subscriber's policy and the patient, subscriber, provider and the patient's physician has had the opportunity to appeal such determination and a determination has been made on that appeal.

Prior to approving a home infusion therapy contract, the commission shall afford interested parties the opportunity for a public hearing and prior to said public hearing the commission shall consult with providers, subscribers and patient advocacy groups including but not limited to the AIDS Action Committee of Massachusetts, the Crohns and Colitis Foundation of America, the Pediatric Ileitis and Colitis Foundation and the North American Pediatric Pseudo Obstructive Society."

The amendment was adopted.

There being no objection, — Representatives Honan of Boston and Cleven of Chelmsford moved that the bill be amended by inserting after section 180 the following section:

"SECTION 180A. Section 23 of Chapter 94C of the General Laws is hereby amended by adding at the end thereof the following subsection:

(H) Clinic pharmacies operated by a health maintenance organization licensed under Chapter 176G of the General Laws and licensed pursuant to Section 51 of Chapter 111 of the General Laws,
may refill prescriptions which have been previously dispensed by another health maintenance organization clinic pharmacy, provided that prior to dispensing a refill, the pharmacy refilling the prescription verifies the appropriateness of the refill through a centralized database.

The amendment was adopted.

There being no objection, — Messrs. Nagle of Northampton and Tolman of Watertown moved that the bill be amended by adding at the end thereof the following section:

"SECTION 321. Section 28 of Chapter 3 of the General Laws is hereby amended by striking said section and inserting the following:

Section 28. A person shall not be excused from attending and testifying before either branch of the general court or before a committee thereof upon a subject referred to such committee on the ground that his testimony or evidence, documentary or otherwise, may tend to criminate him or subject him to a penalty or forfeiture; and he may be prosecuted or subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may be required to so testify or produce evidence, including for perjury committed in such testimony."

The amendment was adopted.

Mr. Teague of Yarmouth then moved that the bill be amended in section 66 by striking out, in line 6, the words "dean of the University of Massachusetts medical school" and inserting in place thereof the words "Commissioner of the Department of Public Health"; and the amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 322. Section 15B of Chapter 186 of the Massachusetts General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting in line 160 after the words 'per year,' the following phrase: or such lesser amount of interest as has been received from the bank where the deposit has been held."

The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended by striking out sections 230 and 232; and the amendments were adopted.

The same member then moved that the bill be amended by striking out section 248.

The amendment was rejected.

Mr. DiMasi then moved that the bill be amended by striking out section 247; and the amendment was rejected.

Mrs. Murray of Cohasset then moved that the bill be amended in section 2, in item 0611-1000, by inserting after the word "veterans", in line 2, the following: "; provided, however, bonus payments shall be made to those persons who were activated and called to service during the period of August second, nineteen hundred and ninety to April tenth, nineteen hundred and ninety-one under Title 10 of the United States Code Reservists/National
Guard upon discharge and to any regular service personnel who served during such period in the war zone and contiguous waters”.

The amendment was adopted.

There being no objection, — Representatives Tracy of Boston, Jehlen of Somerville, Finneran of Boston and Flaherty of Cambridge moved that the bill be amended in section 2, in item 4408–1000 (as amended), by inserting after the word “welfare;” in line 5, the words “provided, however, that said program shall include all services provided in public detoxification and outpatient substance abuse treatment centers;”.

The amendment was adopted.

Mr. Cox of Lowell then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 323. Subdivision (C) of section 13 of Chapter 64C as appearing in the 1990 Official Edition is hereby amended by inserting after the word ‘wholesaler’ in line 27 the following words: — shall include all direct costs attributable to the receiving, stamping, handling, storing, sales and delivery of cigarettes, and, shall additionally include.”.

The amendment was adopted.

There being no objection, — Messrs. Healy of Charlemont and Cahir of Bourne moved that the bill be amended by adding at the end thereof the following section:

“SECTION 324. Section 3, Chapter 33, Acts of 1991, shall be amended by adding to clause (c), line 3, after General Laws, the following: — provided that the letters of commitment for the fiscal ’93 authorization shall be sent to each city and town by July 15, 1992.”.

The amendment was adopted.

Ms. Buell of Greenfield then moved that the bill be amended in section 2, in item 4402–4500, by inserting after the word “provided,” in line 4, the following: “that expenditures for section 2176 home and community based waiver services shall be made from this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on such expenditures made from this item; provided further, that federal reimbursements from such expenditures shall be deposited in the general fund; provided further.”.

The amendment was adopted.

Mr. Businger of Brookline then moved that the bill be amended by inserting after section 208 the following section:

“SECTION 208A. Said section 148 of said chapter 149 is hereby further amended by striking out the paragraph inserted by section 331 of chapter 138 of the acts of 1991.”.

The amendment was adopted.

Ms. Bump of Braintree then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 325. Notwithstanding the provisions of any general or special law to the contrary, a contract executed or extended as authorized by the provisions of Chapter 413 of the Acts and
Resolves of 1981, shall be exempt from any and all of the provisions of Chapter 30B of the General Laws.”.

Mr. Voke of Chelsea being in the Chair, — the amendment was adopted.

Mr. Palumbo of Newbury then moved that the bill be amended by striking out section 174 and inserting in place thereof the following section:

“SECTION 174. Chapter 59 as appearing in the 1990 Official Edition is hereby amended by striking out section 25 and inserting in place thereof the following new section: —

The local appropriating authority of any city or town may, by majority vote, seek voter approval at a regular election to raise by taxation such reasonable amount of overlay as the commissioner may approve although the total taxes assessed as provided in section 21C of this chapter may by such overlay be exceeded; provided that only an amount not in excess of the average overlay of the three previous fiscal years shall be excluded from the provisions of section 21C. The overlay account may be used only for avoiding fractional divisions of the amount to be assessed and to fund abatements granted on account of taxes assessed for the fiscal year in whose assessment the overlay is raised. The amount of such overlay approved by the commissioner shall not be included in calculating the ‘total taxes assessed’ in paragraph (a), or the maximum levy limit in paragraph (f), of section 21C. Any balance in the overlay account in excess of the amount of the warrant remaining to be collected or abated, as certified by the board of assessors, shall be transferred by the board of assessors upon its own initiative or within ten days of a written request by the chief executive officer, with written notice to the chief executive officer, to a reserve fund to be appropriated for any lawful purpose. Any balance in said reserve fund at the end of the fiscal year shall be closed out to surplus revenue.

Any question to be submitted to the voters of a city or town shall be worded as follows:

Shall the (city/town) of ________ authorize its appropriating authority to raise by taxation ________ dollars for the purposes of funding the overlay account for the fiscal year beginning July first (year) and ending June thirtieth (year) over and above the calculation of the ‘total taxes assessed’ in paragraph (a), or the maximum levy limit in paragraph (f) of section 21C of chapter 59 of the Massachusetts General Laws, Proposition 2½ so called?

YES _______ NO _______.

Said question shall be deemed approved if a majority of the persons voting thereon shall vote ‘yes’.”.

The amendment was rejected. The same member moved that this vote be reconsidered; and the motion to reconsider prevailed.

After debate on the recurring question on adoption of the amendment, the sense of the House was taken by yeas and nays,
at the request of Mr. Palumbo; and on the roll call 64 members voted in the affirmative and 90 in the negative.

[See Yea and Nay No. 158 in Supplement.] Therefore the amendment was rejected.

There being no objection, — Messrs. Teague of Yarmouth and Krekorian of Reading moved that the bill be amended by adding at the end thereof the following section:

"SECTION 326. Section 96A, Chapter 41, of the Massachusetts General Laws as appears in the 1990 Official Edition is amended by adding after the last sentence the words: — No persons shall be appointed to any police agency of the Commonwealth or the police force of any city, town, county, authority or district who has been convicted of assault and battery or, possession of a controlled substance, or any hate crime defined in Massachusetts General Laws chapter 22 section 16, or violation of an injunction issued pursuant to Massachusetts General Laws, chapter 209A."

The amendment was adopted.

There being no objection, — Representatives Resor of Acton and Angelo of Saugus moved that the bill be amended in section 144 by striking out the paragraph contained in lines 32 to 38, inclusive.

The amendment was adopted.

Mr. Cohen of Newton then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 327. Section eighteen A of chapter one hundred and twenty-three of the General Laws is hereby repealed."

The amendment was adopted.

Mr. Hayward of Lynn then moved that the bill be amended by adding at the end thereof the following three sections:

"SECTION 328. Section fifty-seven of chapter fifty-nine, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph: — Notwithstanding the foregoing, in a city or town which accepts the provisions of this paragraph, the dates by which the amounts provided in this section must be paid shall be August first, or the thirtieth day after the date on which the bill for such tax was mailed if mailed after July first, and February first, or the thirtieth day after the date on which the notice showing the amount which must be paid by that date is mailed if mailed after January first, and if such amounts remain unpaid after those dates, interest at the rate of fourteen percent per annum shall be paid on such amounts, computed from July first, or from the date the bill for such tax was mailed if mailed after July first, and from January first, or the date the notice showing such amount was mailed if mailed after January first. The provisions of this paragraph shall apply to any notice or tax bill issued pursuant to Section twenty-three D of this chapter. No interest shall accrue on any bill or notice due on or after February first unless date is no less than six months after the last date for payment of the first bill or notice in such fiscal year; provided, however, no later than April first of such fiscal year, a notice shall be sent showing the amount of such tax which if not paid by May first, shall bear interest computed from April first.
SECTION 329. Notwithstanding the provisions of section one or any general or special law to the contrary, a tax bill issued pursuant to section one shall, in the first year that the city or town shall exercise its authority under said section one, be due and payable October first, or the thirtieth day after the date on which the bill for such tax was mailed if mailed after September first, whichever is later and the second half shall be due and payable April first or the thirtieth day after the date on which the bill for such tax was mailed if mailed after March first, whichever is later. A tax bill issued pursuant to section one shall, in the second year that the city or town shall exercise its authority under said section one, be due and payable September first, or the thirtieth day after the date on which the bill for such tax was mailed if mailed after August first, whichever is later and the second half shall be due and payable March first or the thirtieth day after the date on which the bill for such tax was mailed if mailed after February first, whichever is later.

Notwithstanding the provisions of section one or any general or special law to the contrary, a notice of preliminary tax issued pursuant to section one shall, in the first year that the city or town shall exercise its authority under section one, be due and payable October first, or the thirtieth day after the date on which the notice of preliminary tax was mailed if mailed after September first, whichever is later. The actual tax bill issued upon the establishment of the tax rate for the fiscal year after credit is given for the preliminary tax payment previously made shall be payable April first or the thirtieth day after the date on which the tax bill was mailed if mailed after March first, whichever is later. Any notice of preliminary tax issued pursuant to section one shall, in the second year that the city or town shall exercise its authority under section one, be due and payable September first, or the thirtieth day after the date on which the notice of preliminary tax was mailed if mailed after August first, whichever is later. The actual tax bill issued upon the establishment of the tax rate for the fiscal year after credit is given for the preliminary tax payment previously made shall be payable March first or the thirtieth day after the date on which the tax bill was mailed if mailed after February first, whichever is later.

SECTION 330. The provisions of this act shall apply to tax years commencing on or after July first, nineteen hundred and ninety-two."

After debate the amendment was adopted.

Mr. Angelo of Saugus then moved that the bill be amended in section 2 by striking out item 2200-2000 and inserting in place thereof the following item:

"2200-2000 For the environmental compliance program, including the following divisions: 1) the division of water pollution control; 2) the division of water supply; 3) the division of solid waste; 4) the division of hazardous waste; 5) the division of wetlands and waterways; 6) the division of air quality control; 7) the Lawrence experimental station; and 8) a contract with the
After remarks the amendment was adopted.

There being no objection, — Representatives Murray of Cohasset, Gardner of Holliston and Walrath of Stow moved that the bill be amended by inserting after section 180A (inserted by amendment) the following section:

"SECTION 180B. Section 8 of chapter 74 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph: —

No tuition shall be payable under this section with respect to a student who has satisfactorily completed the twelfth grade or courses equivalent thereto and whose family income exceeds twenty-five thousand dollars annually."

The amendment was adopted.

Mrs. Menard of Somerset then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 331. Section 1 of the fourth paragraph of section 148 of chapter 149 of the General Laws is hereby amended by striking out the word 'counties'.

SECTION 332. Chapter 149 of the General Laws is hereby amended by inserting after section 148 the following section: —

Section 148½. Notwithstanding the provisions of section 148 county employees shall be paid weekly the wages earned by him to within six days of the date of said employment if employed for five or six days in the week or to within seven days of the date of said payment if employed seven days in the week. Any county employee who has chosen to be paid monthly will continue to be paid monthly and will be paid not later than the last working day of the month."

After remarks the amendment was adopted.

Mr. Magnani of Framingham then moved that the bill be amended by inserting after section 39 the following section:
"SECTION 39A. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, a determination to site a railroad station or stop in the town of Ashland shall not result in any reduction in additional assistance funds, so-called, distributed by the commonwealth to the town of Ashland or in any other allocation to the town of Ashland as shown on the cherry sheets, so-called."

After remarks the amendment was adopted.

There being no objection, — Representatives Lambert of Fall River, Parente of Milford and Fox of Boston moved that the bill be amended by inserting after section 66 the following section:

"SECTION 66A. The University of Massachusetts is hereby authorized and directed to conduct a study of former foster children in order to provide an understanding of the impact of the foster care system upon the lives of said children. Said study shall include but not be limited to data on the number of foster homes in which a child is placed, the experiences of said child in such foster homes, the impact of such system upon the child's employment and family life and all other information which it deems relevant to a better understanding of the system. The department of social services shall cooperate with the University of Massachusetts to develop a method by which said university is able to communicate with a sufficient number of former foster children to provide an accurate report. The University of Massachusetts shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday in June, nineteen hundred and ninety-three."

After remarks the amendment was adopted.

Mr. Manning of Milton then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 333. Section 22A of chapter 40 of the General Laws as appearing in the 1990 Official Edition is hereby amended by striking out the fifth sentence."

After remarks the amendment was adopted.

Ms. Story of Amherst then moved that the bill be amended by inserting after section 196 the following section:

"SECTION 196A. Section 13 of Chapter 119A, as appearing in the 1988 Official Edition, is hereby amended by adding at the end thereof the following new section: —

Section 14. For the purposes of locating, establishing and enforcing the liability of any person who is legally obligated by court order or otherwise to support his spouse or children and who is obligated to pay such support to the department of public welfare pursuant to section twenty-one of chapter eighteen, the department of social services pursuant to chapter one hundred nineteen, or to individuals on whose behalf the IV-D agency is providing child support enforcement services pursuant to Title IV-D of the Social Security Act, the IV-D agency shall have access to and may request
from every department, board, commission, division, authority, district or other agency of the commonwealth or any subdivision of the commonwealth, including a city, town or district, issuing a license or other authority to conduct a profession, trade or business, information concerning any person described in the first sentence of this section who holds a license or other such authority. Every such department, board, commission, division, authority, district or other agency of the commonwealth or subdivision of the commonwealth shall every three months, in such form as the IV-D agency may by regulation determine, furnish a list of all licenses or certificates of authority issued or renewed during the preceding three month period. The lists provided shall contain the name, address, social security or federal identification number of such licensee, and such other information as the IV-D agency may by regulation require.

If the IV-D agency determines from the information furnished pursuant to this section, or otherwise, that any person who holds a license or certificate of authority issued by any such licensing authority is an individual who is obligated by court order to provide child support and has neglected or refused to provide such support, the IV-D agency shall so notify such licensing authority and such person in writing. Upon written request of the IV-D agency, and after hearing and notice by the licensing authority to the licensee as required under any applicable provision of law, such licensing authority, if a department, board, commission, division, authority, district or other agency of the commonwealth shall revoke or suspend such license or certificate of authority if such agency finds that the child support obligation has not been met. For the purpose of such findings, the written representation of the IV-D agency to the licensing authority shall constitute prima facie evidence thereof. The IV-D agency shall have the right to intervene in any hearing conducted with respect to such license revocation or suspension. Any findings made by the licensing authority with respect to such license revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding of law, except for any appeal of such license revocation or suspension. Any license or certificate of authority suspended, or revoked under this section shall not be reissued or renewed until the agency receives a certificate issued by the IV-D agency that the licensee is in good standing with respect to any and all child support obligations. Any person aggrieved by the decision of the licensing authority may appeal therefrom pursuant to the provisions of section fourteen of chapter thirty A."

After remarks the amendment was adopted.

Ms. Story then moved that the bill be amended by inserting after section 101A (inserted by amendment) the following two sections:

“SECTION 101B. Chapter 20 of the General Laws, as most recently amended by chapter 706 of the Acts of 1983, is hereby further amended by inserting after section fourteen thereof the following new sections fourteen A and fourteen B:
Section 14A. There is hereby created within the bureau of land use the Massachusetts Farmlands Stewardship Program which shall lease suitable land and structures identified and made available to the bureau under sections sixteen and seventeen of this Chapter, and under section forty F of chapter seven of the General Laws, to farmers deemed qualified by the Commissioner. Notwithstanding the provisions of paragraph fifteen of section forty F of Chapter seven of the General Laws, lands and structures used for the Massachusetts Farmlands Stewardship Program may be leased for an initial term not to exceed thirty years with an option to renew for a period not to exceed twenty years. Leases shall meet the approval of the deputy commissioner of the division of capital planning and operations and the attorney general, and shall emphasize stewardship of the agricultural resource.

Section 14B. The commissioner may seek advice and information from such sources as he may deem appropriate and may establish an unpaid advisory committee to effectuate the purposes of section fourteen A.

SECTION 101C. Section seventeen of chapter twenty of the General Laws, as most recently amended by Chapter 351 of the Acts of 1981, is hereby further amended by inserting in the second line thereof, after the phrase 'purposes set forth in section fourteen', the following: — and section fourteen A.’.

After remarks the amendment was adopted.

Ms. Story of Amherst then moved that the bill be amended by inserting after section 61 the following two sections:

“SECTION 61A. The higher education coordinating council is hereby authorized and directed to prepare, in consultation with each executive office and all appropriate departments, authorities, and agencies funded in any part by the commonwealth, a report of the anticipated research, consulting, and training agenda of said state offices, departments, authorities, and agencies. Said report shall list and summarize the areas of research, training, and consulting for which said state offices, departments, authorities, and agencies anticipate or intend to solicit bids or proposals during the course of the next five years.

Said report shall be completed within ninety days after the effective date of this act and shall from time to time be amended or revised as appropriate. A copy of said report shall be filed with the clerks of the House of Representatives and the Senate.

SECTION 61B. Each executive office of the commonwealth and, as appropriate, all departments, authorities, and agencies funded in any part by the commonwealth shall solicit bids or proposals for research, consulting, training, and other such projects and contracts as follows:

(a) the first solicitation of said bids or proposals shall be made to all appropriate public institutions of higher education, including the board of regents of higher education;
(b) a bid or proposal offered by a public institution of higher education in response to a solicitation shall be rejected only in the event that said bid or proposal does not meet the requirements of the request for said bid or proposal, or in the event that said bid or proposal significantly exceeds the reasonably anticipated expenses of completing all work as requested through said bid or proposal;

(c) in the event that a bid or proposal is rejected pursuant to clause (b), or in the event that no public institution of higher education is able to submit a bid or proposal as requested, a state office, department, authority, or agency may again solicit said bid or proposal, without revision, from other public and private institutions. Any public institution of higher education may offer bids or proposals in response to any solicitation pursuant to this clause.

After remarks the amendment was adopted.

There being no objection, — Messrs. Flaherty of Cambridge and Bosley of North Adams moved that the bill be amended by inserting after section 156 the following section:

"SECTION 156A. Chapter 29 of the General Laws is hereby further amended by inserting, after Section 2S, the following new section:

Section 2V. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Capital and Infrastructure Project Reserve Fund. Notwithstanding any general or special law to the contrary, there shall be credited to such fund any and all amounts received by or on behalf of the commonwealth from the sale, lease or other permanent or temporary disposition of any real or personal property by any state agency. Amounts credited to such fund shall be used solely to fund expenditures for the construction, reconstruction or repair of capital, highway, infrastructure or environmental projects which have been appropriated by the general court and for which the sale of bonds has been authorized. Amounts so credited to such fund and available to fund expenditures for such authorized projects shall be used to reduce the amount of bonds which would otherwise have to be issued for such purposes."

The amendment was adopted.

There being no objection, — the same members then moved that the bill be amended by inserting after section 283 the following section:

"SECTION 283A. The secretary of administration, through the deputy commissioner of capital planning and operations, is hereby authorized and directed to conduct a study and investigation to determine if any equipment, office supplies or other such material or property became or is unused or surplus to the current or foreseeable use of any state agency as the result of the closing of any office, building, institution or other facility, the reduction in the number of employees in the agency, or the contracting out of services formerly performed by state employees. The said investigation and
General Appropriation Bill. study shall include (1) a description of the unused or surplus property, (2) the present location and custody of such property, (3) the amount and value of such property, (4) the potential use of such property by other state agencies, (5) whether or not the purchasing agent has been notified of the existence of such property and whether or not it has been offered or transferred to other state agencies under the provisions of section twenty-five A of chapter seven of the General Laws, (6) whether or not the property has been declared surplus and has been or can be made available to other tax-supported or non-profit institutions, and (7) whether or not there exists the possibility that such property can be auctioned off and the proceeds dedicated to other and more productive uses by the commonwealth. Said secretary and deputy commissioner shall report to the general court the results of such investigation and study, together with any recommendations for the disposition of such property and drafts of any legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives within ninety days of the effective date of this section."

After remarks the amendment was adopted.

There being no objection, — Messrs. Flaherty and Bosley moved that the bill be amended by inserting after section 283A (inserted by amendment) the following section:

"SECTION 283B. The secretary of administration, through the deputy commissioner of capital planning and operations, is hereby authorized and directed to conduct a study and investigation concerning the storage facilities used by the commonwealth. The said investigation and study shall include (1) the location and ownership of each such storage facility, (2) the equipment or other material or property which is stored and the agency which controls the equipment, (3) if the facility is privately owned, the amount of rent on an annual basis which is being paid by the commonwealth for the use of such facility, and whether or not consideration was given prior to the lease of any such private facility or should be given now to the use of vacant facilities under the control of a state agency or the division of capital planning and operations which are unused or surplus to the current or foreseeable use of any state agency because of the closing of offices, buildings, institutions or other facilities or the contracting out of services formerly provided by employees of the commonwealth, and (4) whether or not consideration was given or should be given now to consolidating the storage facilities presently in use. Said investigation and study shall include a plan prepared by the said deputy commissioner relative to reducing the costs of storage to the commonwealth by such consolidation or use of state-owned facilities. The said secretary and deputy commissioner shall report to the general court the results of such investigation and study, including such plan and any other recommendations, together with drafts of any legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives within sixty days of the effective date of this section."

The amendment was adopted.
At seven minutes after four o'clock P.M. (Thursday, May 28), on motion of Mr. DeFilippi of West Springfield (Mr. Voke of Chelsea being in the Chair), the House recessed until a quarter after four o'clock P.M.; and at that time the House was called to order with the Mr. Voke in the Chair.

Mr. Coon of Andover then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 334. That a special commission to consist of two members of the Senate, three members of the House of Representatives and six persons to be appointed by the Governor, three of whom shall be representatives of the business community, two of whom shall be employees of the department of environmental quality engineering and one of whom shall be a representative of a national fire prevention association is hereby established for the purpose of making an investigation and study including but not limited to the existence of any health hazards from sprinkler systems and the feasibility and cost effectiveness of requiring back-flow protection for such systems.

Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the House of Representatives on or before the first Wednesday in May nineteen hundred and ninety-three."

After remarks the amendment was adopted.

Mr. Blute of Shrewsbury then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 335. The Massachusetts Convention Center Authority is hereby authorized and directed to privatize the management of the Boston Common Parking Garage. The privatization of the Boston Common Parking Garage shall be completed no later than October first, nineteen hundred and ninety-two."

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. Blute; and on the roll call 55 members voted in the affirmative and 96 in the negative.

[See Yea and Nay No. 159 in Supplement.]

[Mrs. Walrath of Stow answered "Present" in response to her name.]

Therefore the amendment was rejected.

After debate Mr. Blute of Shrewsbury asked for a count of the House to ascertain if a quorum was present, a count showed that 57 members were in attendance. The Chair 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 132 members were recorded as being in attendance.

[See Yea and Nay No. 160 in Supplement.]

Therefore a quorum was present.

After remarks Mr. Larkin of Pittsfield moved that the bill be amended by adding at the end thereof the following section:
“SECTION 335. Section 101A of Chapter 398 of the acts of 1991 is hereby amended by striking the final two sentences and inserting in place thereof the following: The insurance commissioner shall authorize participation in the pilot program by July first, nineteen hundred and ninety-three for a period of three years. On January first, nineteen hundred and ninety-four and each six months thereafter during the pilot period the insurance commissioner shall report to the general court on the status of the pilot program, including any recommendation for legislation, if necessary, to improve the efficiency of said program.”.

Mr. Voke of Chelsea being in the Chair, — the amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended in section 2, in item 4540-1000, by inserting after the words “thirty-two dollars” (inserted by amendment) the words “; provided further that not less than five hundred and fifty thousand, three hundred and fifty dollars shall be obligated for a contract to furnish drug free ambulatory recovery counseling/case management treatment”.

The amendment was adopted. There being no objection, — Messrs. Coon of Andover and Tarr of Gloucester moved that the bill be amended by adding at the end thereof the following section:

“SECTION 336. Notwithstanding any general or special law to the contrary, a two-thirds vote of both the house and senate shall be required prior to the withdrawal of any funds from the Stabilization Fund, so called. All funds that are withdrawn must be applied to debt service for the purpose of retiring the commonwealth’s debt.”.

The amendment was adopted. Mr. Forman of Plymouth then moved that the bill be amended in section 2, in item 1108-5200, by striking out, in lines 28 to 33, the words “provided further, that the commonwealth’s share of the group insurance premium as provided in section eight of said chapter thirty-two A and for the purposes of section fourteen of said chapter thirty-two A shall be ninety percent of the total monthly premiums and rates as established by the commission” and inserting in place thereof the words “provided further, that notwithstanding any general or special law, rule, regulation or agreement to the contrary the commonwealth’s share of the group insurance premium for active employees as provided in section eight of said chapter thirty-two A and for the purposes of section fourteen of said chapter thirty-two A shall be eighty-five percent of the total monthly premiums and rates established by the commission and active employees on behalf of themselves or themselves and their dependents shall contribute the remaining fifteen percent of the total monthly premium or rate, except that corrections officers shall contribute no more than ten percent”; and by striking out, in said item, the figures “422,128,898” and inserting in place thereof the figures “408,308,898”; and by adding at the end thereof the following two sections:
"SECTION 337. The first paragraph of section 8 of chapter 32A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the word 'seventy-five' wherever it appears and inserting in place thereof the word: — eighty-five.

SECTION 338. The first and second paragraphs of said section 8 are hereby further amended by striking the word 'twenty-five' wherever it appears and inserting in place thereof the word: — fifteen."

After debate the amendments were rejected.

Mr. Mara of Brockton then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 337. Subsection 3A of Section 63 of Chapter 175 of the General Laws as appearing in the 1990 Official Edition is hereby amended by striking said subsection 3A in its entirety and inserting in its place thereof the following:

In bonds, notes or obligations, issued, assumed or guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank or the African Development Bank."

The amendment was adopted.

Mr. Mara then moved that the bill be amended by striking out section 79; and the amendment was adopted.

At twenty-five minutes after six o'clock P.M. (Thursday, May 28), on motion of Mr. Miceli of Wilmington (Mr. Voke of Chelsea being in the Chair), the House recessed until the hour of seven o'clock P.M.; and at six minutes after seven o'clock the House was called to order with Mr. Voke in the Chair.

There being no objection, — Messrs. Giglio of Medford and Businger of Brookline moved that the bill be amended by adding at the end thereof the following section:

"SECTION 338. Section 5 of chapter 62 of the General Laws as appearing in the 1990 Official Edition, is hereby amended by adding the following subsection: —

(c) Notwithstanding any other provisions of this chapter, the retirement pay for a retired member of the armed forces of the United States shall be exempt from taxation."

After debate the amendment was rejected.

Mrs. McKenna of Holden then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 338. The fourth paragraph of section 5 of chapter 176A of the General Laws, as most recently amended, is hereby amended by striking the sentences following the end of the first sentence."

The amendment was adopted.

There being no objection; — Messrs. Cahir of Bourne and Ranieri of Bellingham moved that the bill be amended by adding at the end thereof the following section:

"SECTION 339. The provisions of sections five to eleven, inclusive, of Chapter one hundred and thirty-six of the Massachusetts General Laws, except as provided in section fourteen shall not apply to July fourth, nineteen hundred and ninety-two.
Any retail establishment which operates on said July fourth, nineteen hundred and ninety-two shall pay to those employees working on any of said days, time and one-half, or such larger sum as may be determined by contract; such work shall be voluntary and refusal to work for any retail establishment on such legal holidays shall not be grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty. The provisions of this paragraph shall be enforced by the Department of Labor and Industries. The provisions of section one hundred and eighty A of Chapter one hundred and forty-nine shall apply any violation of this paragraph.

The amendment was adopted.

There being no objection, — Mr. Galvin of Canton then moved that the bill be amended in section 2 by striking out item 2440-1000 and inserting in place thereof the following item:

"2440-1000  For the integrated metropolitan services program; provided, that notwithstanding the provisions of any general or special law to the contrary, all officers and positions shall be subject to classification under section forty-five to fifty, inclusive, of chapter thirty of the General Laws, including not more than three hundred twenty-five positions .............................................. 24,394,205

Local Aid Fund .................. 40.0%
Highway Fund .................. 60.0%"

and by inserting after item 2440-3000 the following item:

"2440-4000  For the ponkapoag golf course component of the integrated metropolitan services program .......... 450,000

Ponkapoag Recreational Fund .................. 100.0%"

The amendments were adopted.

Mr. Constantino of Clinton then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 340. Notwithstanding any general or special law to the contrary, Section 40N of Chapter 7 of the Massachusetts General Laws shall include a reserve of five percent of state contracts for any contracting or subcontracting business which is beneficially owned by one or more Vietnam veterans meeting the requirements set forth in clauses (1) to (4), inclusive, of the definition of minority business, except that the terms ‘Vietnam veteran’, ‘Vietnam veteran owners’, and ‘Vietnam veteran-owned business’, shall be substituted for the terms ‘minority’ and ‘minority persons’, ‘minority owners’, and ‘minority business’ appearing in said definition of said section.’.

The amendment was rejected.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 340. Notwithstanding any general or special law to the contrary, the provisions of Chapter 687 of the Acts of 1989 shall apply to all providers and vendors that receive contracts or funding through the ‘07’ budget accounts.”.

The amendment was rejected.
Mr. Lambert of Fall River and other members of the House moved, there being no objection, that the bill be amended in section 2 by striking out item 9110-1630 and inserting in place thereof the following item:

"9110-1630 For a home care program including home health and respite services, a protective services program, a managed care in housing program, and other programs which serve the elderly, which shall include a sliding fee program, in which all qualified elders shall participate, with the exception that said fees may be waived in cases where the secretary of elder affairs determines assessment would cause extreme financial hardship; provided further, that no new programs shall be established without the prior written approval of the house and senate committees on ways and means; provided further, that the secretary shall transmit to the house and senate committees on ways and means no later than thirty days after the effective date of this act a plan indicating the estimated monthly caseload to be supported by the appropriation in this item; provided further, that not more than nine hundred thousand dollars shall be obligated for the purchase of certified home health services for elders who are not eligible for medicaid; provided further, that said certified home health services shall include, but are not limited to, home health aide, nursing management and nursing assessments; provided further, that not more than two million eight hundred thousand dollars shall be obligated for a program of respite care services to provide relief for caregivers who normally provide care to severely impaired individuals, especially those with Alzheimer's disease; provided further that not more than eight million two hundred and seventy-six thousand dollars shall be expended for managed care in housing services for individuals at risk of institutionalization, but whose impairments are not of sufficient severity to meet the clinical admissions criteria for medicaid nursing home eligibility; provided further, that not more than two percent of the funds appropriated herein for home care services may be used to meet matching requirements of Title III of the older americans act; provided further, that the secretary of elder affairs is hereby authorized and directed to work with the commissioner of public welfare and the director of the office of purchased services to identify all home care services which meet the federal definition of personal care services in 42 CFR 440.170(f) and case management in 1915 (g) of Title XIX, and to request federal matching funds for such services furnished to persons
The amendment was rejected.

Mr. Mara of Brockton then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 340. Section 54E of Chapter 175 of the General Laws as appearing in the 1990 Official Edition is hereby amended by striking in line 4 the words 'ten years or more' and inserting in its place thereof 'ten years, or less than ten years with the approval of the Commissioner'."

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 341. Section 54F of Chapter 175 of the General Laws as appearing in the 1990 Official Edition is hereby amended by striking in line 4 the words 'ten years or more' and inserting in its place thereof 'ten years, or less than ten years with the approval of the Commissioner'."

The amendment was adopted.

Mr. Pacheco of Taunton then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 342. Section 113H of chapter 175 of the General Laws is hereby amended by adding the following subsection: —

(F) When a member company elects to withdraw from participation in said plan and make payments in settlement of its financial obligations thereto, said plan shall provide for the distribution of any such payments made to the remaining members within said plan. Such payments shall be determined by the number of exposures that each of the remaining companies has written as a direct result of the withdrawing company’s determination to cease its participation in said plan; provided, however, that the distribution of such exposures shall be determined from the registry of motor vehicles policy history records. A single payment shall be made to the first company writing each such exposure; provided, however, that any payments not so distributed shall be applied towards a reduction in subsequent auto insurance premium rates as determined by the commissioner.

SECTION 343. The provisions of section 342 shall take effect as of June twenty-eighth, nineteen hundred and ninety-one."

The amendment was rejected.

Mr. Forman of Plymouth then moved that the bill be amended in section 2 by striking out, in item 7010-0075, the figures "205,522,604" and inserting in place thereof the figures "105,522,604"; by striking out, in item 7010-0080 the figures "84,836,800"; and by inserting after said item the following item:
"7010-0090 For the purpose of equitable foundation spending and minimum aid distributed on a per student basis in public school districts and to ensure increased expenditures on direct services in fiscal year nineteen hundred and ninety-three provided that no monies shall be expended from this account until comprehensive, systematic reform measures are enacted by the legislature and signed by the governor; [A] provided further that at least eighty-four million eight hundred thirty-six thousand and eight hundred dollars of the monies provided herein shall provide one hundred dollars of aid per student; provided further, that the distribution of aid shall be based on student enrollment data as published in the October first, nineteen hundred and ninety-one individual school report; and provided further that the monies appropriated herein shall be expended exclusively for educational purposes 184,836,800".

After debate Messrs. Sullivan of Abington and Hynes of Marshfield moved, there being no objection, that the amendments offered by Mr. Forman be amended by striking out [at “A”] the words “provided further that at least eighty-four million eight hundred thirty-six thousand and eight hundred dollars of the monies provided herein shall provide one hundred dollars of aid per student” and inserting in place thereof the words “provided that said amount shall be distributed as aid to cities, towns, regional school districts, counties maintaining agricultural schools and independent vocational schools, provided that monies provided herein shall provide two hundred and eighteen dollars of aid per student based on student enrollment data as published in the October first, nineteen hundred ninety-one individual report”.

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. Sullivan of Abington; and on the roll call 27 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 161 in Supplement.]

Therefore the further amendment was rejected.

Mr. Krekorian of Reading then moved that the amendment offered by Mr. Forman of Plymouth be amended by striking out proposed item 7010-0090 [at “B”] and inserting in place thereof the following item:

"7010-0090 For the purpose of equitable foundation spending and minimum aid distributed on a per student basis in public school districts and to ensure increased expenditures on direct services in fiscal year nineteen hundred and ninety-three provided that no monies shall be expended from this account until comprehensive, systematic reform measures are enacted by the legislature and signed by the governor, provided further that the monies appropriated herein shall be expended exclusively for educational purposes 100,000,000".
After remarks 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. Krekorian; and on the roll call 8 members voted in the affirmative and 141 in the negative.

[See Yea and Nay No. 162 in Supplement.]

Therefore the further amendment was rejected.

On the question on adoption of the amendment offered by Mr. Forman of Plymouth, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 15 members voted in the affirmative and 126 in the negative.

[See Yea and Nay No. 163 in Supplement.]

Therefore the amendment was rejected.

Mr. Peters of Charlton then moved that the bill be amended in section 2, in item 7010-0080, by adding at the end thereof the words "such funds herein described shall be used solely for the purpose of instructional materials and supplies for individual students and for the hiring of additional classroom teachers to reduce class sizes". The amendment was adopted.

There being no objection, — Messrs. Karol of Attleboro, Healy of Charlemont and Cahir of Bourne moved that the bill be amended in section 2 by striking out item 6000-2000 and inserting in place thereof the following item:

"6000-2000 For the local construction aid component of the executive office administration program; provided, that grant funds appropriated herein shall be for certain projects for the construction, reconstruction, and improvement of town and county ways defined in subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws; provided further, that funds appropriated herein shall be distributed as grants to cities and towns pursuant to the distribution formula established in subparagraph (c) of section three of chapter thirty-three of the acts of nineteen hundred ninety-one, no later than August fifteenth, nineteen hundred ninety-two; provided however, that funds appropriated herein shall be in addition to the distribution requirements of clause (c) of section thirteen of chapter sixty-four A of the General Laws 36,898,950 Infrastructure Fund 100.0%.

The amendment was adopted.

Mrs. Cleven of Chelmsford then moved that the bill be amended in section 2 by adding at the end of item 7010-0080, as amended, the words "; and provided further that no city or town shall expend less for school services in fiscal year nineteen ninety-three than said city or town expended in fiscal year nineteen ninety-two". 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 43 members voted in the affirmative and 107 in the negative.

[See Yea and Nay No. 164 in Supplement.]

Therefore the amendment was rejected.

Mr. Travis of Rehoboth then moved that the vote be reconsidered by which the House adopted an amendment offered by Mr. Peters of Charlton adding at the end of item 7010-0080 the words “such funds herein described shall be used solely for the purpose of instructional materials and supplies for individual students and for the hiring of additional classroom teachers to reduce class sizes”.

After debate on the motion to reconsider (Mr. Blanchette of Lawrence 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 87 members voted in the affirmative and 61 in the negative.

[See Yea and Nay No. 165 in Supplement.]

Therefore the motion to reconsider prevailed.

On the recurring question the amendment was rejected.

Mr. Roosevelt of Boston then moved that the bill be amended in section 2 by adding at the end of item 7010-0080, as amended, the following: “; and provided further, that in order for communities to be eligible for such aid their school spending must not be reduced in FY93 from FY92 levels by any amount greater than that which equals the percentage of the proportional share of total spending dedicated to education in FY92 or fifty percent of the total municipal cuts required in FY93. Furthermore, any community not having to reduce municipal spending in FY93 from FY92 levels must increase their school spending in FY93 from FY92 levels by at least the amount of new state aid provided by this item”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. McKenna of Holden; and on the roll call (Mrs. Menard of Somerset being in the Chair) 141 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 166 in Supplement.]

Therefore the amendment was adopted.

There being no objection,— Mr. Lambert of Fall River and other members of the House moved that the bill be amended in section 2, in item 7070-0065, by inserting after the word “act”, in line 11, the words “; provided, that no less than two hundred thousand dollars shall be expended for the community scholarship foundations demonstration project pursuant to sections sixty-five A to sixty-five F, inclusive, of this act”; and by inserting after section 65 the following six sections:

“SECTION 65A. The purpose of the community scholarship foundation demonstration project is to provide one-time two thousand dollar state-funded matching awards as an incentive to Massachusetts community scholarship foundations to raise money and award scholarships to community residents who wish to pursue higher education. The community scholarship foundation
demonstration project encourages community organizations to generate local dollars to complement efforts funded by the state.

SECTION 65B. As used in this act the following words shall, unless the context requires otherwise, have the following meanings:

‘Council’, the higher education coordinating council.

‘Community scholarship foundation’, a nonprofit, community-based organization recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986, formed in part or in full for the purpose of providing higher education scholarships for local residents.

‘Institution’, a degree-granting college or university in this state that is certified as an eligible institution for student aid programs under Title IV Part B, of the Higher Education Act of 1965, as amended, but only for undergraduate programs.

‘Matching award’, the state-appropriated funding for one-time two thousand dollar grants available to selected eligible community scholarship foundations that raise at least two thousand dollars for student scholarships.

SECTION 65C. The higher education coordinating council is charged with the administration of community scholarship foundation demonstration projects designed to prepare and assist persons to obtain a higher education in this state.

The community scholarship foundation matching award is a one-time two thousand dollar grant based on available funding.

To be eligible to apply for a matching award, a community organization must meet the following conditions:

(i) Establish a community scholarship foundation demonstration project and, after June 30, 1992, raise at least two thousand dollars for student scholarships;

(ii) Obtain and maintain tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 for the fund supporting the student scholarship demonstration project;

(iii) Award student scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin or the presence of any mental, sensory or physical disability; and

(iv) Have not previously received a matching award from the demonstration project authorized by sections sixty-five A to sixty-five F, inclusive, of this act.

SECTION 65D. Community organizations that meet eligibility criteria under section sixty-five C of this act shall be considered for selection after they complete an application for the matching award on a form provided by the higher education coordinating council. Said organizations shall be selected for a matching award, during the community scholarship foundation demonstration project period, in the following priority order:

1. Organizations that after June 30, 1992, begin a demonstration project, establish a nonprofit, community scholarship foundation recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986, and raise two thousand dollars to be used for student scholarships.
2. Organizations that have had prior scholarship programs but reorganize after June 30, 1992, to meet the eligibility criteria of the demonstration project and raise two thousand dollars to be used for student scholarships.

3. Organizations that had scholarship programs and met the eligibility criteria of the demonstration project prior to June 30, 1992, and after June 30, 1992 raise an amount of money which exceeds the amount raised in the prior fiscal year by two thousand dollars.

4. Organizations that:
   a. Solicit broad-based community support in their fund-raising activities and are representative of the community in their structure;
   b. Conduct fund-raising activities with volunteers and not with paid or contracted fund-raisers; and
   c. Have a primary focus of awarding scholarships to Massachusetts residents attending Massachusetts institutions of higher education.

The higher education coordinating council shall disburse matching awards of two thousand dollars to the selected community scholarship foundations.

SECTION 65E. Community organizations shall submit, on a form provided by the higher education coordinating council, reports of scholarships awarded from their two thousand dollar contribution and the two thousand dollar matching award. Reporting information shall include, but is not limited to, the names and addresses of the recipients, scholarship amounts and the institution the recipient plans to attend.

SECTION 65F. The community scholarship foundation demonstration project period shall end June 30, 1994.”.

The amendments were adopted.

There being no objection, — Messrs. Karol of Attleboro and Coon of Andover moved that the bill be amended in section 2, in item 2000-0100, by inserting after the word “positions”, in line 8, the following: “provided that not less than $100,000 shall be expended for the implementation of an educational outreach program established by the secretary of the executive office of environmental affairs for the purposes of assisting small businesses to conform to the environmental laws and regulations of the commonwealth”.

The amendment was adopted.

Mrs. Harkins of Needham then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 342. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Water Resources Authority is hereby authorized and directed to utilize Cheney Drive in the town of Wellesley for the purpose of entry to the land known as ‘Elm Bank’ in the town of Dover for the purpose of constructing and maintaining the Framingham extension relief sewer. Such road shall be used exclusively by said authority for purposes of such access.”.

The amendment was adopted.

Mr. Blanchette of Lawrence then moved that the bill be amended by adding at the end thereof the following section:
“SECTION 343. Notwithstanding the provisions of chapter thirty-two of the General Laws, or of any general or special law to the contrary any person employed by two or more governmental units which have established contributory retirement systems under the provisions of sections one to twenty-eight of said chapter thirty-two, or under corresponding provisions of earlier laws, who, in accordance with the provisions of subdivision (7) of section three of said chapter thirty-two, was required to be a member of each retirement system shall be entitled to receive upon his written request to the retirement board, in one sum, an amount equal to the accumulated regular deductions paid by said member into the annuity savings fund of the retirement system of the governmental unit which said member has contributed the lesser amount, together with regular interest as shall have accrued thereon in accordance with the provisions of sections eleven and twenty-two of said chapter thirty-two. Payment of said amount to said member shall be in the alternative to and exclusive of any other benefit, allowance, pension or other payment to said member from, or on account of service rendered to or of compensation received while a member of, said retirement system.”

The amendment was adopted.

There being no objection, Mr. Blanchette of Lawrence and other members of the House moved that the bill be amended by adding at the end thereof the following four sections:

“SECTION 344. Notwithstanding the provisions of chapter thirty-two of the General Laws or of any other general or special law to the contrary, and upon the acceptance of this section by the legislative and executive authority within a city, town or county the provisions of this section providing for a retirement program for municipal and county employees shall apply to a municipal or county employee who is a Group 1, Group 2, or Group 4 employee as defined in section three of said chapter thirty-two, who is a member of the appropriate municipal or county retirement system and who (i) shall be an employee of the municipality on the effective date of this section, (ii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application to said board and (iii) shall have filed a written application after July first, nineteen hundred and ninety-two, but no later than July fifteenth, nineteen hundred and ninety-three to retire for superannuation as of the date which shall be specified in such application; provided, however, that said date for retirement shall be no earlier than July fifteenth, nineteen hundred and ninety-two and no later than forty-five days after the acceptance of this act by the city, town or county. For the purposes of this section the legislative authority shall mean a town meeting in a town, the city council in a city, the county advisory board in a county other than the counties of Suffolk and Nantucket in which cases the county commissioners shall serve as the legislative authority; and the
executive authority shall mean the board of selectmen in a town, the mayor in a city, and the county commissioners in a county. Said program shall be administered by the appropriate municipal or county retirement system, which shall also promulgate regulations to implement the provisions of said program.

Notwithstanding the foregoing, no city, town or county may adopt the provisions of this section unless said city, town or county has established a retirement system funding schedule pursuant to the provisions of section twenty-two D of Chapter thirty-two of the General Laws or subdivision six A of section twenty-two of said chapter thirty-two prior to the effective date of this act or adopts the provisions of section twenty-two D of said Chapter thirty-two after the effective date of this act.

Notwithstanding any provisions of said chapter thirty-two to the contrary, the normal yearly amount of the retirement allowance for an eligible employee who is employed by a city, town or county which accepts the applicable provisions of this act and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to five years of age or by up to five years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than five; provided however that the executive authority in a city or town may limit the amount of additional credit for service or age or a combination of service or age offered and the number of employees for whom it will approve a retirement calculated under the provisions of this section; provided further that if participation is limited, the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service.

For the purpose of this section words shall have the same meanings as in Chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with the provisions of this section shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section five of said chapter thirty-two, of any employee who retires and receives an additional benefit under the retirement incentive program for municipal and county employees in accordance with the provisions of this section shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three
consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

The commissioner of the public employee retirement administration shall analyze, study, and valuate the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of this section of the retirement incentive program for municipal and county employees established by this section for each retirement system; provided, that said commissioner shall file a report in writing of his findings to the board on or before December thirty-first, nineteen hundred and ninety-three, and shall send a copy thereof to the county commissioners, the mayor, or the board of selectmen, as the case may be; provided further, that said reports shall be filed with the joint committee on public service on or before December thirty-first, nineteen hundred and ninety-three.

The applicable retirement board shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section and said schedule shall be designed to reduce the applicable retirement system's additional pension liability attributable to such costs and liabilities to zero on or before June thirteenth, two thousand and eight; provided, that in preparing such schedule, the board shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of this section; and provided further, that said board shall triennially update such schedule until said June thirtieth, two thousand and eight. Said board shall file such funding schedule 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-four, and shall file updates thereto triennially on or before March first of each year. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be deemed an obligation of the applicable city, town, or county to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 345. The second paragraph of subdivision (1) of section 22D of said Chapter 32, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 39, the words: — 'ninety-one' and inserting in place thereof the following words: — ninety-four.

SECTION 346. The fourth paragraph of subdivision (1) of section 22D of said chapter 32, as so appearing, is hereby amended by striking out, in lines 71, and 72, the words 'December thirty-first, nineteen hundred and ninety' and inserting in place thereof the words: — June thirtieth, nineteen hundred and ninety-three.
SECTION 347. Subdivision (4) of section 22D of said Chapter 32, as so appearing, is hereby further amended by striking out paragraph (e).

The amendment was adopted.

There being no objection, Representatives Blanchette of Lawrence and other members of the House moved that the bill be amended by adding at the end thereof the following section:

"SECTION 348. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, any city or town or regional school committee which accepts the applicable provisions of this act, shall, in cooperation with and upon the prescribed notification to the teachers' retirement board established under the provisions of section sixteen of chapter fifteen of the General Laws, establish and implement an early retirement incentive program for teachers, as defined in said chapter thirty-two; provided, however, that in order to be deemed eligible by said board for any of the benefit options under such program, a teacher (i) is employed by any city or town or regional school district which has accepted the provisions of this act; (ii) shall have attained the age of fifty-five years by the date of his retirement requested in his written application with said board; (iii) shall have, on such date, twenty-five years of creditable service as defined in section four of said chapter thirty-two; and (iv) shall have filed a written application in accordance with this section.

For the purpose of this section, words 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 teacher employed by any city or town or regional school committee who retires under the provisions of the early retirement incentive program for teachers 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.

Notwithstanding so much of the provisions of section five of 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 early retirement benefit provided by this section, any eligible teacher shall file an application for retirement under the provisions of this act with the teacher's retirement board, on a form prescribed by said board, after July first, nineteen hundred and ninety-two, but no later than July thirty-first, nineteen hundred and ninety-three. The retirement date requested by any teacher shall be approved in the manner provided by the city or town or regional school district of such teacher.

Notwithstanding any provisions of said chapter thirty-two to the contrary, the normal yearly amount of the retirement allowance for
an eligible teacher who is employed by a city or town or regional school committee which accepts the applicable provisions of this act and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to four years of age or by up to four years of creditable service or by a combination of additional years of age and service not exceeding four; provided, however, that the city or town or regional school committee may limit the amount of additional credit for service or age or a combination of service or age offered and the number of such teachers for whom it will approve a retirement calculated under the provisions of this section; provided further, that if participation is limited, the retirement of teachers with greater creditable service shall be approved before approval is given to teachers with lesser creditable service.

The program shall be deemed to have been accepted by a city or town upon recommendation by the school committee and approval by the legislative and executive authorities of the city or town. The program shall be deemed to have been accepted by a regional school district upon the approval of its school committee.

For the purposes of this section, the legislative authority shall mean a town meeting in a town, the city council in a city; and the executive authority shall mean the board of selectmen in a town, the mayor in a city.

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 this section of the retirement incentive program established pursuant to the provisions of this section for each government unit that accepts the provisions of this section; provided, that said commissioner shall file a report in writing of his findings to said governmental unit on or before December thirty-first, nineteen hundred and ninety-three; provided, that said reports shall be filed with the joint committee on public service and the teachers' retirement board and the commissioner of the department of revenue on or before said December thirty-first, nineteen hundred and ninety-three.

The teachers' retirement board shall prepare a funding schedule to reflect the cost and actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section which shall be designed to reduce the retirement system's additional pension liability attributable to such costs and liabilities on or before June thirtieth, two thousand and eight; provided, that in preparing such schedule, said retirement board shall consider the analysis of the
commissioner of public employee retirement administration filed in accordance with the provisions of this section; and provided further, that said retirement board shall triennially update such schedule until said June thirtieth, two thousand and eight; provided further, that said funding schedule and updates shall be subject to the approval of the secretary of administration and finance. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be deemed an obligation of the city, town or regional school district, which has accepted the provisions of this section to annually appropriate an amount sufficient to meet the additional costs and liabilities attributable to the additional benefits payable under the retirement incentive program and said city, town or regional school district shall pay the same to the pension reserves investment trust (PRIT) fund, annually; provided that if any such city, town or regional school district fails to make said payment the commissioner of the department of revenue shall deduct such liability from the annual additional assistance or chapter seventy school assistance distribution of said city, town or regional school district; provided further, that such liability deducted shall be appropriated to the pension reserves investment trust (PRIT) fund.”.

The amendment was adopted.

Miss O'Brien of Easthampton then moved that the bill be amended by inserting after section 68 the following section:

“SECTION 68A. Section 11 of chapter 64D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 33 the word ‘ninety-two’.

Section 1. Section 12 of said chapter 64D as so appearing, is hereby amended by striking out in line 37 the words ‘not more than.’

Section 2. Section 13 of said chapter 64D as so appearing, is hereby amended by striking out in line 35 the word ‘ninety-one’.

Section 3. Section 11 of chapter 193 of the acts of 1989 is hereby amended by striking out in the second sentence the word ‘ninety-two’.

Section 4. Section 12 of said chapter 193 of the acts of 1989 is hereby amended by striking out the word ‘ninety-two’."

After remarks on the question on adoption of the amendment, the Chair (Mrs. Menard of Somerset) interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of ten o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 110 members voted in the affirmative and 42 in the negative.

[See Yea and Nay No. 167 in Supplement.]

Therefore Rule 1A was suspended.

After debate on the question on adoption of the amendment offered by Miss O'Brien of Easthampton, the sense of the House was taken by yeas and nays, at the request of the same member;
and on the roll call 102 members voted in the affirmative and 49 in the negative.

[See Yea and Nay No. 168 in Supplement.]

Therefore the amendment was adopted.

There being no objection, — Messrs. Blanchette of Lawrence and Kollios of Millbury moved that the bill be amended in section 2, above item 4800-0015, under “Performance Measures” by striking out the following: “2a. Not more than 20:1 average family to social worker caseload.” and inserting in place thereof the following: “2a. Not more than 18:1 average family to social worker workload.” The amendment was adopted.

There being no objection, — Mr. Lambert of Fall River and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 349. Notwithstanding any other provision of law, the benefits provided under Chapter 118E of the General Laws shall be made available to all children under age twenty-one whose income and resources are insufficient to meet the costs of their medical care as determined by the financial eligibility requirements of the Medicaid program; provided that, in the case of such children eighteen years of age or older, whose sole categorical basis for eligibility is age, eligibility shall be limited to children whose physician:

(a) Certifies that the child has been diagnosed as suffering from one or more specified medical conditions listed in the most recent version of the medical index, the International Classification of Diseases;

(b) Identifies the child’s diagnosed medical conditions as listed in the International Classification of Diseases; and

(c) Certifies that the child suffers from an acute or chronic condition such that the absence of medical attention could reasonably be expected to result in:

(1) Placing the child’s health in jeopardy;

(2) Impairment to bodily functions; or

(3) Dysfunction of any bodily organ or part.

The Department of Public Welfare is authorized to take such measures as it deems necessary and appropriate to fund Medicaid-covered hospital services, in whole or in part, for such children eighteen years of age or older, employing, as the state share of provider reimbursement under Title XIX of the Social Security Act, funds raised through private payor hospital bill surcharges for the uncompensated care pool; except that such employment of funds shall not exceed the amount that would have been expended for such children’s care under the uncompensated care pool in the absence of Medicaid coverage.”

After remarks the amendment was rejected.

There being no objection, — Representatives Tolman of Watertown and Kerans of Danvers moved that the bill be amended by inserting after section 185 the following two sections:

“SECTION 185A. Section 70E of Chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after paragraph 7 the following paragraph:
Except in cases of emergency surgery, at least ten days before a physician operates on a patient to insert a breast implant, the physician shall inform the patient of the disadvantages and risks associated with breast implantation. The information shall include, but not be limited to, the standardized written summary provided by the department. The patient shall sign a statement provided by the department, acknowledging the receipt of said standardized written summary.

SECTION 185B. The Department of Public Health shall:

(1) develop a standardized written summary, as set forth in Section 70E of Chapter 111 of the General Laws, in layman’s language that discloses side effects, warnings, and cautions for a breast implantation operation within three months of the date of enactment of this act;

(2) update as necessary the standardized written summary;

(3) distribute the standardized written summary to each hospital, clinic, and physician’s office and any other facility that performs breast implants;

(4) provide the physician inserting the breast implant with a statement to be signed by the patient acknowledging receipt of the standardized written summary.

The amendment was adopted.

Mr. Tolman of Watertown then moved that the bill be amended by inserting after section 86 the following section:

"SECTION 86A. Section 40J of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following sentence:

Said statement shall be filed at the time that any lessor, lessee, seller, or purchaser first proposes to rent or sell real property to or to rent or to purchase real property from a public agency. In the subsequent event that there is any person who has or will have further direct or indirect beneficial interest in said property, a disclosure of said interest shall be filed immediately with the deputy commissioner of capital planning and operations."

The amendment was adopted.

Mr. Teague of Yarmouth then moved that the bill be amended in section 2 by striking out items 7220-0100, 7310-0100, 7400-0100, 7410-0000, 7410-0010, 7411-1005, 7416-1001, 7400-0223, 7109-0100, 7110-0100, 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7120-0223, 7502-0100, 7503-0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100, 7511-0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100, 7518-0100 and 7520-0423 and inserting in place thereof the following three items:

"7220-0100 University of Massachusetts
For the operation of the state university system as governed by the Higher Education Coordinating Council .................................................. 293,961,128

7220-0200 State Colleges
For the operation of the state college system as governed by the Higher Education Coordinating Council .................................................. 110,433,954"
After remarks the amendments were rejected.

There being no objection, — Representatives Hildt of Amesbury and Palumbo of Newbury moved that the bill be amended by adding at the end thereof the following section:

"SECTION 349. Electric companies in Massachusetts which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section two B of chapter six hundred and thirty-nine of the acts of nineteen hundred and fifty, as added by section twenty-four of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine, includes communities located within the commonwealth, shall be assessed three hundred and thirty-two thousand dollars plus estimated fringe benefits, as calculated by the secretary of administration and finance pursuant to section five D of chapter twenty-nine of the General Laws, for the evaluation, development, and implementation of radiological emergency response plans and the analysis of work plans concerning the preparedness of the commonwealth to respond to accidents at said plants and for environmental radiological monitoring at said plants. The department of public utilities shall develop an equitable method of apportioning said assessments among said companies. Said assessments shall be deposited into the General Fund. For the purposes of this section, electric companies shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale, of electricity within the commonwealth; provided that the term electric company shall not include municipalities or municipal light plants."

The amendment was adopted.

After remarks Mr. Roosevelt of Boston moved that the bill be amended in section 2, in item 7053-1925, by striking out, in lines 3 and 4, the words "summer breakfast outreach component" and inserting in place thereof the words "summer food service and school breakfast outreach components".

The amendment was adopted.

There being no objection, — Messrs. Roosevelt of Boston, Brett of Boston and Merced of Boston moved that the bill be amended in section 2 by inserting after item 7010-0075 the following item:

"7010-0076 For the purpose of educating young middle school dropouts and truants through Boston's Middle School Alternative School Network 850,000".

The amendment was adopted.

Miss O'Brien of Easthampton then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 350. Chapter 71 of the General Laws is hereby amended by striking section 54B and inserting in place thereof the following new section: — 54B.)"
Notwithstanding any general or special law to the contrary, the department of public health shall promulgate regulations governing the administration of medications including psychotropic medications to children in school settings in accordance with sections 7 and 9 of Chapter 94C of the General Laws. In developing such regulations, the Department shall consult with the board of registration in nursing and the board of registration in medicine.”.

The amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 351. Notwithstanding the provisions of section forty-one of chapter seventy-one of the General Laws, or any general or special law to the contrary, for any reduction in force initiated by any school district or regional school district, notification to any teacher affected by such reduction in force must be received by such teacher not later than July fifteenth.”.

The amendment was adopted.

Mr. Serra of Boston being in the Chair, — Representatives Menard of Somerset and Bosley of North Adams moved, there being no objection, that the bill be amended by inserting after section 174A (inserted by amendment) the following section:

“SECTION 174B. Section 3A of Chapter 61A of the General Laws as appearing in the 1990 Official Edition is hereby amended by adding the following paragraph: —

The five-acre minimum area actively devoted to agricultural or horticultural use shall be comprised of land under cultivation and land necessary and related thereto. For the purposes of this Chapter, necessary and related land shall include land which is primarily and directly used in a manner which is related to or incidental to the raising of said animals, crops and forestry products as defined in Sections 1 and 2 above and represents a customary and necessary use in raising such products and preparing them for market, including but not limited to roads, ponds, reservoirs, waterways, watersheds, sand pits for on-farm use, land under farm buildings and buffer or support areas.”.

The amendment was adopted.

There being no objection, — Messrs. Henry of Beverly and Ruane of Salem moved that the bill be amended by adding at the end thereof the following section:

“SECTION 352. The secretary of transportation and construction is hereby authorized to establish a Beverly-Salem Bridge Coordinating committee to oversee the Beverly-Salem Bridge Project as it affects the neighborhoods of the city of Beverly and the city of Salem.

The committee established herein shall consist of the Mayor, or a designee, of the cities of Beverly and Salem; the State Representative, or a designee, of the cities of Beverly and Salem; and the Director of Public Works, or a designee, of the cities of Beverly and Salem.

Said committee shall sit through the entire project period. It shall meet monthly without compensation. Said monthly meetings shall be open to the public.
Said committee shall consider, but not be limited to, the following:
(1) progress reports regarding project permits;
(2) effective and efficient noise and air pollution control measures;
(3) continued easy access into and out of the affected neighborhoods by both pedestrians and vehicles;
(4) questions concerning access to the waterfront for commercial fishermen;
(5) the hours during which work can be performed to complete the project;
(6) appropriate routes for heavy equipment vehicles and other vehicles removing excavated material from the project site and any vehicle related to the project;
(7) traffic alternatives in reaction to problems stemming from the project.

The amendment was adopted.

There being no objection, — Messrs. Tarr of Gloucester, Palumbo of Newbury and Coon of Andover moved the bill be amended by adding at the end thereof the following section:

"SECTION 353. The Secretary of Administration and Finance is hereby directed to establish an intergovernmental task force consisting of a representative from each human service agency: department of public welfare, department of public health, department of mental health, department of mental retardation, the department of youth services, the department of social services as well as the secretary of health and human services and the secretary of education to meet quarterly to coordinate the delivery of services to citizens of the commonwealth in the most efficient manner and to reduce duplicity of effort. Said task force will develop a report and submit it to the secretary of administration and finance and the senate and house committee on ways and means by January fifteenth, April fifteenth, and August fifteenth.",

The amendment was adopted.

Mr. Constantino of Clinton then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 354. Notwithstanding any general or special law to the contrary, the provisions of Section 13 of Chapter 55 of the Massachusetts General Laws shall apply to all providers and vendors that receive contracts or funding through the Office of Purchased Services and said provisions of Section 13 of Chapter 55 shall apply to all officers, directors and employees of said providers and vendors.",

The amendment was rejected.

Mr. Hodgkins of Lee then moved that the bill be amended in section 2 by striking out, in item 0511-0000, the figures "5,428,957" and inserting in place thereof the figures "5,398,957". The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 354. That for the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out
of the state treasury, subject to appropriation, to Ashmere Manor Nursing Home Inc. the sum of one hundred and twenty-three thousand nine hundred and eighty-three dollars for medicaid reimbursements that were withheld in nineteen hundred and eighty 123,983”.

The amendment was adopted.

There being no objection, — Messrs. Mann of Hanson and Sullivan of Abington moved that the bill be amended in section 2, in item 7010-0067, by inserting after the word “act”, in line 10, the following: “; provided further, that the Whitman Hanson Regional School District shall receive one hundred seventy-three thousand six hundred and thirty-seven dollars in expansion incentive aid pursuant to section 16D of Chapter 71 of the General Laws; and provided further that said expansion incentive aid shall be distributed to the Whitman Hanson regional school district in addition to the amounts listed in section three of this act”; and by striking out, in said item, the figures “100,251,168” and inserting in place thereof the figures “100,424,805”.

The amendments were adopted.

Mr. Caron of Springfield then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 355. Section 33 of chapter 90, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraphs:

For the reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under the provisions of subsections (a), (e) and (f) of section twenty-two, twenty-two F, twenty-three, twenty-four, twenty-four B, twenty-four D, twenty-four G, twenty-four L, or thirty-four J of this chapter, section twenty-eight of chapter two hundred and sixty-six and section one hundred thirteen B of chapter one hundred and seventy-five, the fee shall be three hundred dollars; provided, however, that for the reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under any other provision of this chapter or any other general or special law, the fee shall be fifty dollars. The fee for reinstatement following a second suspension or revocation pursuant to sections twenty-four or twenty-four D shall be five hundred dollars and the fee for such reinstatement following a third or subsequent such suspension or revocation shall be one thousand dollars.

Said reinstatement fees shall be collected for any license reinstatement which occurs on or after the effective date of this act.”.

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 356. Section 1A of chapter 90 of the General Laws, as appearing in the 1990 Official Edition is hereby amended by inserting after the words, ‘thirty-four A’ in line 12 the following: — or unless the registrar is otherwise satisfied that the provisions of compulsory motor vehicle liability insurance, have been met for such applicant and vehicle.”.

The amendment was adopted.
Mr. Caron then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 357. Section 33 of Chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the second sentence of the paragraph beginning on line 206 and inserting in place thereof the following sentence: —

If payment of any fee required under this chapter or chapter ninety D is made by check and said check is not duly paid, the registrar of motor vehicles shall withhold issuance of the certificate of title for the motor vehicle, shall prohibit the transfer or swap of the registration, and shall suspend or revoke any learner's permit, license to operate motor vehicles, certificate of registration or title, number plate, sticker, decal or other item for which the check was tendered and order the return of same forthwith. The holder of said item for which said check was tendered may not apply for, receive or renew any other learner’s permit, license to operate motor vehicles, certificate of registration or title, number plates, stickers, decals or any other items issued under the provisions of chapter 90 or chapter 90D until said check has been duly paid.”.

The amendment was adopted.

The same member then moved that the bill be amended by inserting after section 206 the following section:

"SECTION 206A. Section 34B of chapter 130 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the first paragraph and inserting in place thereof the following paragraph: —

Any person who shall have attained age twenty-one and does not hold a valid drivers license issued by the registry of motor vehicles, pursuant to section eight of chapter ninety, may apply for a liquor purchase identification card. Such cards shall be valid for five years and shall be issued by the registry of motor vehicles pursuant to regulations prescribed by the registrar with the advice of the commission and shall bear the name, signature, date of birth, address and photograph of such person. The registry of motor vehicles shall require payment of a twenty-five dollar fee for any card issued pursuant to this section, for the purpose of issuing said identification cards.”.

The amendment was adopted.

Mr. Caron then moved that the bill be amended by inserting after section 206A (inserted by amendment) the following section:

"SECTION 206B. Section 2a of chapter 143 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word 'cleaners' in line 13 the words: — and elevator inspections.”.

The amendment was adopted.

Mr. Cangiamila of Billerica then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 358. The second paragraph of section 23 of chapter 59 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence: — Notwithstanding any provision of law to the contrary, the determination of
available funds shall include any uncollected real estate and personal property taxes deemed to be collectible by the director of accounts.”.

The amendment was rejected.

Mr. Morrissey of Quincy then moved that the bill be amended by inserting after section 77 the following section:

“SECTION 77A. Chapter 149 of the General Laws is hereby amended by adding the following new section: —

Section 27H. Any company carrying on within the commonwealth the business of transmitting gas, as is more fully described in sections one and two of chapter one hundred and sixty-four, shall be subject to the provisions of section twenty-six of this chapter in the construction, repair or maintenance of buildings, structures, works and facilities for such works and the distribution of gas.”.

After remarks the amendment was rejected.

Mr. Constantino of Clinton then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 358. Section 1 of Chapter 60A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — ‘Except as hereinafter provided there shall be assessed and levied in each calendar year on every motor vehicle and trailer registered under chapter ninety, for the privilege of such registration, an excise measured by the value thereof, as hereinafter defined and determined at the rate of twenty-five dollars per thousand of valuation; provided, however, that the minimum excise shall in all cases be equal to fifteen dollars’.”.

The amendment was adopted.

Mr. Bosley of North Adams then moved that the bill be amended by adding at the end thereof the following six sections:

“SECTION 359. Paragraph five of section thirty of chapter sixty-three of the General Laws, as appearing in the 1990 Official Edition, is hereby renumbered by striking in line 33 the designation ‘5.(a)’ and inserting in place thereof the designation‘3.’.

SECTION 360. Said paragraph five, as appearing in the 1990 Official Edition, is hereby further amended by striking in line 55 the designation ‘(b)’ and inserting in place thereof the designation ‘4’.

SECTION 361. Subparagraph (ii) of subsection (b) of paragraph five of section thirty of chapter sixty-three of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting in place thereof the following:

(ii) losses sustained in other taxable years, and

SECTION 362. Said Section thirty is hereby further amended by inserting after line 108 the following new paragraph:

5. ‘Net Operating Loss’, the excess of

(A) the sum of the deductions from gross income used to calculate net income
over

(B) gross income.

The deductions from gross income used to calculate net income shall include all deductions authorized by paragraph four of this section, with the following modifications:
(C) The following deductions shall not be allowed when computing net operating loss:

(i) Any portion of the depreciation deduction for motor vehicles qualifying for a credit under section thirty-one E of this chapter which is disallowed as a deduction under paragraph (c) of said section thirty-one E;

(ii) Any portion of the depreciation deduction for tangible property qualifying for a credit under section thirty-eight D of this chapter which is disallowed as a deduction under subsection (3) of paragraph (b) of said section thirty-eight D;

(iii) Any portion of the depreciation deduction for property qualifying for a credit under section thirty-eight H of this chapter which is disallowed as a deduction under subsection (1) of paragraph (b) of section thirty-eight H;

(iv) Any portion of the research and development expenditures qualifying for a credit under section thirty-eight M of this chapter which is disallowed as a deduction under paragraph (b) of section said thirty-eight M.

(D) The following deduction shall be allowed, in addition to those authorized by paragraph four of this section when computing net operating loss:

(i) So much of the deduction for dividends received as allowed as a deduction under paragraph (a) of section 38 of this chapter; and

(ii) Any portion of research and development expenditures disallowed as a deduction under section two hundred eighty C of the Federal Internal Revenue Code, as amended and in effect on August twelfth, nineteen hundred and ninety-one.

SECTION 363. Section 38 of Chapter 63 is hereby further amended by inserting in paragraph (a), in line 31, the following new subsection:

(3) Any Net Operating Loss, as defined in section thirty, sustained in a prior taxable year shall be deducted. Losses sustained in any taxable year may be carried forward for not more than five years and may not be carried back.

SECTION 364. Notwithstanding the provisions of section five of this Act, or any other special or general law to the contrary, any deduction for net operating loss taken pursuant to subsection (3) of section thirty-eight of chapter sixty-three shall be limited as follows: said deduction shall not exceed twenty-five per cent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety, and before December thirty-first, nineteen hundred and ninety-one; fifty per cent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety-one and before December thirty-first, nineteen hundred and ninety-two; seventy-five per cent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety-two and before December thirty-first, nineteen hundred and ninety-three; and one hundred per cent of net income for taxable years beginning on or after December thirty-first, nineteen hundred
and ninety-three. No net operating loss shall be recognized for any taxable year ending on or before December thirty-first, nineteen hundred and eighty-eight.

Notwithstanding the limitations imposed by section five of this act, for the first five consecutive taxable years of a corporation, measured from the date of its organization whether or not organized under the laws of the commonwealth, so much of the net operating loss, as determined by section thirty of this chapter, as is represented by net operating loss carryovers for taxable years ending December thirty-first, nineteen hundred and seventy-five, and thereafter shall be deducted; provided, however, that such carryover losses shall not be allowed to any corporation fifty per cent or more of whose voting stock is owned by another corporation whether or not such owning corporation is taxable in this commonwealth; and provided, further, that in the case of a foreign corporation, losses incurred before such corporation becomes subject to tax liability in this commonwealth shall not be allowed."

The amendment was adopted.

There being no objection, — Mr. Henry of Beverly and other members of the House moved that the bill be amended by inserting after section 177 the following five sections:

"SECTION 177 A. Section 2 of chapter 65C of the General Laws, as appearing in the 1990 Official Edition is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection: —

(a) A tax computed in accordance with the following table less the credit, if any, provided in subsection (a) of section three, is hereby imposed on the transfer of the Massachusetts taxable estate of every deceased resident of Massachusetts: —

<table>
<thead>
<tr>
<th>Massachusetts taxable estate is:</th>
<th>The Massachusetts estate tax shall be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 0 BUT not over 50,000</td>
<td>3.75% of the taxable estate</td>
</tr>
<tr>
<td>50,000</td>
<td>$1,875 plus 5.25% of the excess over $50,000</td>
</tr>
<tr>
<td>100,000</td>
<td>$4,500 plus 6.75% of the excess over $100,000</td>
</tr>
<tr>
<td>200,000</td>
<td>$11,250 plus 7.50% of the excess over $200,000</td>
</tr>
<tr>
<td>400,000</td>
<td>$26,250 plus 8.25% of the excess over $400,000</td>
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<td>600,000</td>
<td>$42,750 plus 9.00% of the excess over $600,000</td>
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<td>800,000</td>
<td>$60,750 plus 9.75% of the excess over $800,000</td>
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<td>1,000,000</td>
<td>$80,250 plus 10.50% of the excess over $1,000,000</td>
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<tr>
<td>2,000,000</td>
<td>$185,250 plus 11.25% of the excess over $2,000,000</td>
</tr>
<tr>
<td>4,000,000</td>
<td>$410,250 plus 12.00% of the excess over $4,000,000</td>
</tr>
</tbody>
</table>

; provided however, that the tax under this subsection shall not be greater than twenty per cent of the amount by which the Massachusetts net estate exceeds six hundred thousand dollars.
SECTION 177B. Said section 2 of said chapter 65C is hereby further amended by striking out subsection (a), as amended by section 177A of this act, and inserting in place thereof the following subsection: —

(a) A tax computed in accordance with the following table less the credit, if any, provided in subsection (a) of section three, is hereby imposed on the transfer of the Massachusetts taxable estate of every deceased resident of Massachusetts:

<table>
<thead>
<tr>
<th>If the Massachusetts taxable estate is:</th>
<th>The Massachusetts estate tax shall be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over</td>
<td>But not over</td>
</tr>
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<td>0</td>
<td>50,000</td>
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<td>4,000,000</td>
<td></td>
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</tbody>
</table>

; provided, however, that the tax under this subsection shall not be greater than twenty per cent of the amount of which the Massachusetts net estate exceeds six hundred thousand dollars.

SECTION 177C. Said section 2 of said chapter 65C, as appearing in the 1990 Official Edition, is hereby further amended by adding the following subsection: —

(c) Notwithstanding any provisions to the contrary contained in this chapter, no tax shall be imposed upon the transfer of any property from the deceased resident to the surviving spouse of such deceased resident.

SECTION 177D. Section 3 of said chapter 65C, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection: —

(a) If the Massachusetts net estate is six hundred thousand dollars or less there shall be an exemption equal to the Massachusetts net estate. If the Massachusetts net estate exceeds six hundred thousand dollars no exemption shall apply and a credit equal to the Massachusetts estate tax liability or one thousand five hundred dollars, whichever is less, shall be allowed.

SECTION 177E. Section 2 of said chapter 65C is hereby further amended by striking said section and inserting in place thereof the following new section: —

Section 2. (a) A tax is hereby imposed upon the transfer of the estate of every person who, at the time of death, was a resident of
this Commonwealth. The amount of this tax is a sum equal to the amount by which the credit for state death taxes allowable to a decedent's estate under Code Section 2011, hereinafter referred to as the 'credit' exceeds the lesser of:

(i) The aggregate amount of all constitutionally valid estate, inheritance, legacy and succession taxes actually paid to the several states of the United States, other than this commonwealth, in respect to any property owned by that decedent or subject to those taxes as part of or in connection with his estate; or

(ii) An amount equal to such proportion of such allowable credit as the value of properties taxable by other states bears to the value of the entire federal gross estate wherever situated.

(b) A tax is hereby imposed upon the transfer of real property situated in this commonwealth and upon tangible personal property having an actual situs in this commonwealth of every person who at the time of his death was not a resident of this commonwealth. The amount of this tax is a sum equal to the proportion of the credit which the value of Massachusetts real and tangible personal property taxed in this commonwealth which qualifies for such credit bears to the value of the decedent's total federal gross estate.

(c) Notwithstanding any other provision of law, the tax imposed by subsections (a) and (b) shall be computed upon the value of any property subject to a power of appointment which is includible in the federal gross estate, notwithstanding that a tax has been paid thereon pursuant to section fourteen of chapter sixty-five.

(d) For the purposes of computing the tax imposed by subsections (a) and (b) the provisions of section three of this chapter shall not apply.

(e) All values shall be as finally determined for federal estate tax purposes.

(f) When used in this section, the words 'federal gross estate' means the federal gross estate as defined under the Internal Revenue Code of the United States, as amended and in effect as of the date of death of the decedent,"; and by inserting after section 283 the following section:

"SECTION 283A. Sections 177C and 177D of this act shall apply to the decedents dying on or after January first, nineteen hundred and ninety-three. Section 177A of this act shall apply to estates of decedents dying on or after July first, nineteen hundred and ninety-four. Section 177B of this act shall apply to estates of decedents dying on or after July first, nineteen hundred and ninety-five. Section 177E of this act shall apply to estates of decedents dying on or after July first, nineteen hundred and ninety-six."

After remarks on the question on adoption of the amendments, Mr. Coon of Andover 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 135 members were recorded as being in attendance.

**[See Yea and Nay No. 169 in Supplement.]**

Therefore a quorum was present.

After debate, Messrs. Scaccia of Boston and Ruane of Salem moved, there being no objection, that the amendments offered by Mr. Henry of Beverly, et als, be amended by striking out the text of said amendment and inserting in place thereof the following section:

"SECTION 177A. Subsection (a) of Section 2 of Chapter 65C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in line 7 by striking out the words "two hundred" and inserting in place thereof the words "three hundred fifty"; and further moved that

Subsection (a) of Section 3 of said Chapter 65C of the General Laws, as so appearing, is hereby amended by striking out in line 1 the words "two hundred" and inserting in place thereof the words "three hundred fifty"; and further moved that

Subsection (a) of Section 3 of said Chapter 65C of the General Laws, as so appearing, is hereby amended by striking out in line 4 the words "two hundred" and inserting in place thereof the words "three hundred fifty." And further moved that

Section 3 of Chapter 65C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:

(b) In addition to the exemption provided in subsection (a), the deductions allowable in computing the Massachusetts taxable estate shall consist of the deductions, or portions thereof, other than the exemption found in section two thousand and fifty-two of the Code, which are allowable in determining the federal taxable estate and which are attributable to property included in the Massachusetts gross estate. No deduction for interest shall be allowed hereunder unless the same has been paid or has, solely through the passage of time, accrued within three years from the due date of the return, without regard to any extension granted; and further moved that

Section 3A of Chapter 65C, is hereby repealed; and further moved that

The provisions of this amendment shall become effective for deaths occurring on or after the first day of January, nineteen hundred and ninety-three.".

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 Mrs. McKenna of Holden; and on the roll call (Mr. Walsh of Agawam being in the Chair) 147 members voted in the affirmative and 5 in the negative.

**[See Yea and Nay No. 170 in Supplement.]**

Therefore the further amendment was adopted, thus precluding a vote on the amendments offered by Mr. Henry of Beverly, et als.
There being no objection, — Messrs. Angelo of Saugus and Cohen of Newton moved that the bill be amended by adding at the end thereof the following section:

"SECTION 365. Chapter 36 of the Acts of 1992 is hereby amended in Section 3 subsection (n) by striking the following words in the fifth sentence, 'to avoid or minimize damages to the environment' and adding after the word 'watershed' the following: — 'and does not otherwise materially impair the quality of the environment'."

The amendment was adopted.

There being no objection, — Messrs. Lionett of Worcester and Tarr of Gloucester moved that the bill be amended by inserting after section 162 the following section:

"SECTION 162A. Section 7H of chapter 29 of the General Laws, as amended by section 370 of Chapter 138 of the acts of 1991, is hereby further amended by adding the following paragraph: —

The total amount of expenditures of the commonwealth contained in such budget shall not exceed a percentage rate of increase, over the previous fiscal year expenditures, which is more than the percentage rate of increase in the cost of inflation for the previous fiscal year as published in the Consumer Price Index — Urban which is promulgated by the United States Department of Labor, except by a two-thirds vote of both branches of the general court.”.

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 33 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 171 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Messrs. Cohen of Newton, Angelo of Saugus and Cass of Wakefield moved that the bill be amended in section 2 by inserting after item 0614-3903 the following item:

"0614-3910 For the Watershed Management Fund interest, discount, and principal component of the debt service program for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett Reservoirs and the Ware river watershed above the Ware river intake pipe 400,000

Watershed Management Fund 100.0%";

By striking out item 2420-1400 and inserting in place thereof the following item:

"2420-1400 For the watershed management program to operate and maintain reservoirs, watershed lands, and related infrastructure of the commission; provided, that expenses incurred in other commission programs to assist the watershed management program may be charged to this
General Appropriation Bill.

program, including not more than one hundred seventy-three positions ............... 6,700,000
Watershed Management Fund .............. 100.0%"

By inserting after section 173 the following section:
"SECTION 173A. Section 2T of chapter 29 of the General Laws, as inserted by section one hundred eight of chapter one hundred thirty-eight of the acts of nineteen hundred ninety-one, is hereby amended by striking the section and inserting in place thereof the following: —

Section 2T. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Watershed Management Fund. There shall be credited to such fund the following:

(a) all assessments against the Massachusetts water resources authority established pursuant to section one hundred thirteen of chapter ninety-two, and against any other public or private entity by the commissioner of the metropolitan district commission;
(b) all revenues generated by the metropolitan district commission’s division of watershed management which shall include, but not be limited to, the sale of hydroelectricity, recreational or permits fees, and any access fees established pursuant to chapter four hundred thirty-six of the acts of nineteen hundred ninety;
(c) all revenues from the sale of wood products harvested on watershed lands;
(d) all payments from the Massachusetts water resources authority for debt service pursuant to section one hundred thirteen A of chapter ninety-two; and
(e) all interest earned on monies within the fund.

Amounts credited to the Watershed Management Fund shall be used, subject to appropriation, for the maintenance and operating costs of said division of watershed management, as established in sections one hundred four to one hundred twenty, inclusive, of chapter ninety-two, including the costs of capital improvements necessary to ensure the safety and purity of the water supply and protection of watershed lands pursuant to state and federal standards, other authorized charges of said division of watershed management, and debt service payments for bonds authorized in said section three of said chapter five hundred sixty-four and said sections twelve and thirteen of said chapter thirty-six for the acquisition of fee simple, development and other rights or interests in land in the areas regulated by said division of watershed management;"; and by inserting after section 180B (inserted by amendment) the following section:

"SECTION 180C. Section 113 of chapter 92 of the General Laws, as most recently amended by section one hundred sixty-five of chapter one hundred thirty-eight of the acts of nineteen hundred ninety-one, by striking the section and inserting in place thereof the following: —
Section 113. The commission is hereby authorized and directed to assess the Massachusetts water resources authority for the fiscal year costs of operating the division and other authorized charges, including one hundred per cent of the amounts to be paid in that fiscal year in trust by the authority to the division for application to payments in lieu of taxes pursuant to chapter fifty-nine, less any and all revenues generated by the division which shall include, but not be limited to, the sale of hydroelectricity, recreational or permit fees, revenues from the sale of wood products harvested on commission watershed lands, and any access fees established pursuant to chapter four hundred thirty-six of the acts of nineteen hundred ninety. Said assessment shall be established annually by the commissioner of the commission. The commissioner of the commission shall certify to the executive director of said authority on or before September fifteenth, the current fiscal year obligations due by the authority for the operations of said division. The commissioner shall bill the treasurer of the authority on October first, January first, April first, and June thirtieth of each fiscal year for said fiscal year's obligations. Within thirty days of receipt of the commission bill, the treasurer of the authority shall remit the total billed amount to the commission. Revenues received from the June thirtieth billing shall be credited to that fiscal year. The commissioner of the commission shall forward to the treasurer of the commonwealth the revenues generated by the division which shall be credited to the Watershed Management Fund, established in section two T of chapter twenty-nine. If the Watershed Fund established pursuant to section two T of chapter twenty-nine closes any fiscal year with a surplus balance, said surplus balance shall be used as a credit for the following fiscal year's assessment against the Massachusetts water resources authority and shall not be reverted to the General Fund.

Section 113A. The treasurer of the commonwealth shall charge the Massachusetts water resources authority for the debt service costs of bonds issued pursuant to section three of chapter five hundred sixty-four of the acts of nineteen hundred eighty-seven and sections twelve and thirteen of chapter thirty-six of the acts of nineteen hundred ninety-two for the acquisition of fee simple, development and other rights or interests in land in the areas regulated by the division. The revenue shall be deposited into the Watershed Management Fund for the purposes of meeting said debt service costs, subject to appropriation, for said bonds pursuant to the provisions of section two T of chapter twenty-nine."

The amendments were adopted.

There being no objection, — Messrs. Lionett of Worcester and Tarr of Gloucester moved that the bill be amended by inserting after section 174B (inserted by amendment) the following section:

"SECTION 174C. Subparagraph (1) of paragraph (b) of subsection B of section 3 of chapter 62 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following clause:
(D) An additional exemption, not to exceed three thousand dollars per year for each child who is under the age of twenty-two years and claimed as a dependent by said parents; provided however, that the amount claimed as an exemption under this provision must be set aside by the parents into an Educational Investment Account. Money in the account may be withdrawn, without penalty or adverse tax consequence, to pay for college tuition or for the cost of room and board while attending college. Except as otherwise provided in this section any balance left in said account after payment of the child’s tuition and room and board shall be taxable to the parents as earned income. Premature withdrawals, except for reasons of hardship, shall make the amount withdrawn subject to immediate taxation and shall require the payment of a twenty per cent penalty. Hardship withdrawals shall be permitted only reasons involving the disability of the child or the death of the child or expenses directly related to said death. If the money in such account is not used for the higher education of the child prior to his twenty-fifth birthday, all monies in said account shall immediately become taxable to the parents as income in addition to the payment of a ten per cent penalty charge. In order to qualify for this exemption, any money set aside into an Educational Investment Account must be invested which is included on a list of acceptable investments prepared and published by the department of revenue. This exemption shall be available to parents who have been awarded custodial care and legal guardianship of a minor child by a court of competent jurisdiction.

The amendment was adopted. Mr. Lionett then moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Mara of Brockton then moved that the bill be amended by striking out section 165. The amendment was adopted.

The same member then moved that the bill be amended by striking out section 167; and the amendment was adopted.

Mr. Mara then moved that the bill be amended by striking out section 166 and inserting in place thereof the following section:

"SECTION 166. Said chapter 32B of the General Laws, as so appearing, is hereby further amended by adding after section eighteen as inserted by chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, the following new section: —

Section 18 (a). Notwithstanding the provisions of any other section in this chapter, the appropriate public authority of any governmental unit which has undertaken to provide health coverage to its employees, retirees, surviving spouses or dependents who shall hereafter be referred to as subscribers by acceptance of any other section of this chapter may instead provide health coverage to all such subscribers pursuant to the provisions of this section, by entering into a contract or contracts with any one or more health carriers, or by transferring such subscribers to the group insurance commission established pursuant to chapter thirty-two A of the General Laws pursuant to subsections (d) or (e) herein. Any such contract or contracts with any one or more health insurance carriers
shall be in conformity with an agreement reached by a public employer committee and a public employee committee. The public employer committee shall be composed of representatives of the appropriate public authority and of the school committee where the appropriate public authority is other than a regional school district. The public employee committee shall be composed of a representative of each collective bargaining unit in the governmental unit and a representative of employees retired from the governmental unit. The retiree representative shall be elected by a vote of the retirees insured under the governmental units' contract. Such election shall be for a three year period. The election process shall be determined by the governing authority of the governmental unit. Each representative on the public employee committee shall have a weighted vote equal to the proportion which employees and retirees eligible for health insurance under this chapter employed in the bargaining unit he/she represents bears to the total number of employees eligible for health insurance in all bargaining units of the governmental unit. Any agreement with the public employer committee must be approved by two-thirds of the weighted votes cast by the representatives on the public employee committee. Subsequent to any agreement with the public employer committee as provided in this section, said agreement shall only take effect in a county, except in Worcester County, city, town or district upon its acceptance in the following manner: — in a city having a Plan D or Plan E charter by majority vote of its city council, in any other city by vote of its city council approved by the mayor; in a town by vote of the board of selectmen; in a regional school district by vote of the regional district school committee, and in all other districts by vote of the registered voters of the district at a district meeting. Nothing in this section shall preclude a public employer from agreeing to establishing a health and welfare trust under section fifteen of this chapter.

For purposes of this section, a health carrier shall include any insurance company organized pursuant to chapter one hundred seventy-five, hospital service corporation organized pursuant to chapter one hundred seventy-six A, medical service corporation organized pursuant to chapter one hundred seventy-six B, health maintenance organization organized pursuant to chapter one hundred seventy-six G, preferred provider organization organized pursuant to chapter one hundred seventy-six I, or, in the case of a governmental unit which is partially or fully self-insured with respect to health coverage, any third party administrator selected by the governmental unit, which may include but is not limited to any health carrier.

The appropriate public authority may contract with a health carrier for direct coverage of subscribers for whom the carrier's geographic service area provides appropriate access and coverage for other subscribers in accordance with subsection (d) herein.

(b) Nothing in this section shall be deemed to require, preclude or permit any change in any aspect of health coverage for active
employees authorized by this section except where an agreement to provide for such change is reached by a public employer committee and a public employee committee in an agreement entered into or modified pursuant to this section subsequent to the effective date of this subsection.

(c) Nothing in this section shall be construed so as to relieve any governmental unit from providing health coverage to any employee, retiree, surviving spouse or dependent to whom it has an obligation to provide coverage under any other provision of this chapter.

(d) If the appropriate public authority enters into a contract with a health carrier under this section, the health carrier may, pursuant to this subsection, provide for or arrange for the provision of coverage for those subscribers who, by reason of residence or domicile, could not be appropriately served within the service area of said health carrier. Coverage for active employees under this subsection shall be pursuant to and in conformity with any applicable agreement reached by the public employer committee and the public employee committee and shall conform to the requirements of this section, including subsections (b) and (c) hereof. Notwithstanding any other law to the contrary, coverage that may be provided by said health carrier for subscribers who by reason of residence or domicile cannot be appropriately served within the service area of said health carrier, may be based upon contractual arrangements with health care providers or other carriers, provided that such contractual arrangements are consistent with the contract between the health carrier and the appropriate public authority; and provided further that such arrangements shall provide coverage for retirees which is substantially equivalent to the coverage provided to active employees within the health carrier's service area.

In the event the health carrier is unable to procure such coverage for subscribers by reason of their residence or domicile, the health carrier shall forward the names of such subscribers to the appropriate public authority, or in the event the appropriate public authority is otherwise unable to procure such coverage for said subscribers, the appropriate public authority shall transfer said subscribers to the group insurance commissions consistent with the provisions of subsection (f).

(e) Where an agreement reached by a public employer committee and a public employee committee covering all collective bargaining units of the governmental unit executed or modified subsequent to the effective date of this subsection so provides, the appropriate public authority shall, for a period of time specified by regulation of said commission, transfer to said commission all subscribers for whom it provides health coverage. The regulations of said commission shall permit the governmental unit, upon agreement reached by the public employer committee and the public employee committee pursuant to this section, to withdraw from such transfer to said commission after a period of not less than three years following such transfer consistent with the provisions of subsection (f).
(f) Said commission shall negotiate and purchase health coverage for subscribers transferred pursuant to subsection (d) and subsection (e) and shall promulgate regulations for coverage of such subscribers so transferred. The schedule of benefits available to such transferred subscribers shall be determined by said commission in accordance with chapter thirty-two A. All such subscribers shall be offered at least the same choice as to health carriers as is made available to state employees. The governmental unit's contribution to the cost of health coverage for such subscribers shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter thirty-two A. Said commission may require the governmental unit to collect and forward to the said commission the full premium or cost of coverage, including the employee's contribution, if any. For the purposes of calculating the full premium or cost of coverage for subscribers transferred pursuant to subsection (d), the claims experience of all retirees transferred thereunder shall be combined with the claim of all active employees so transferred. Said commission may also charge the governmental unit an administrative fee to be determined by said commission which shall be paid by the governmental unit and shall not be considered as part of the cost of coverage for purposes of determining the contributions of the governmental unit and its employees to the cost of health coverage.

(g) For purposes of this subsection, and subsections (h) and (i), a governmental unit shall be deemed to be offering its subscribers a primary carrier if, pursuant to an agreement between a public employer committee and a public employee committee executed or modified subsequent to the effective date of this subsection it offers those subscribers comprehensive health insurance coverage by contracting with an entity licensed under chapter one hundred and seventy-five, chapter one hundred and seventy-six A or chapter one hundred and seventy-six B, by transferring subscribers to the group insurance commission under subsection (e), or by providing such coverage through self-insurance and a third party administrator as defined in subsection (a).

(h) If the carrier or carriers selected to provide coverage to subscribers under this section include a primary carrier, the governmental unit's contribution to the premium or cost of such coverage, exclusive of any administrative fee charged pursuant to subsection (f), shall be as established for active employees and retirees pursuant to sections seven, seven A, nine A and nine E of this chapter; and the governmental unit's contributions to any other carrier, including other carriers with whom the appropriate public authority contracts directly and other carriers whose products are available to employees transferred to the said commission pursuant to subsections (d) and (e), shall be the same amount as the governmental unit's contribution to the premium or cost of coverage provided by the primary carrier.

(i) If the carrier or carriers selected to provide coverage to subscribers under this section do not include a primary carrier, the
governmental unit shall contribute to the premium or cost for coverage charged by any carrier for active employees at least a minimum percentage of the premium or cost equal to the weighted average percentage of the dollar amount contributed by the governmental unit on behalf of all active employees who were covered by a carrier other than primary carrier as of July first, nineteen hundred and ninety-one."

The amendment was adopted.

Mr. Karol of Attleboro then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 366. Notwithstanding the provisions of Section 15 of this act or of any general or special law to the contrary, the Massachusetts Port Authority and the Massachusetts Turnpike Authority are each hereby authorized to enter into agreements with the executive office of economic affairs and tourist promotion agencies for the purposes of domestic and international tourism and trade promotions and programs."

The amendment was adopted.

There being no objection, — Messrs. McDonough of Boston and Ruane of Salem moved that the bill be amended in section 2 by striking out, in item 4120-4000, the figures "3,346,000" and inserting in place thereof the figures "3,451,000"; and the amendment was adopted.

There being no objection, — Messrs. McDonough of Boston, McIntyre of New Bedford and Brett of Boston moved that the bill be amended in section 2, in item 4202-0030, by striking out, in lines 1 and 2, the words "including not more than two hundred and two staff" (inserted by amendment) and inserting in place thereof the words "provided, however, that the department shall collect one million dollars in Title 4E revenue to be deposited to the General Fund, including not more than two hundred and ten positions", and by striking out, in said item, the figures "16,165,726" and inserting in place thereof the figures "17,572,087"; in item 4237-0001, by striking out, in lines 1 and 2, the words "including not more than one hundred and fifty-seven positions" (inserted by amendment) and inserting in place thereof the words "provided, however, that the department shall collect three million dollars in Title 4E revenue to be deposited in the General Fund, including not more than one hundred and sixty-two positions", and by striking out, in item 4238-0001, the figures "11,465,418" and inserting in place thereof the figures "11,710,804".

The amendments were adopted.

There being no objection, — Mr. McDonough of Boston and other members of the House moved that the bill be amended in section 2, in item 4402-4600, by inserting after the word "recipients,", in line 6, the words "and such other services as the department determines to be appropriate and cost-effective," and by inserting after the word "Services;", in line 8, the words "provided, that the department shall not make such other services
available whether by exemption, inter-agency agreement, or any other means, to some or all Medicaid recipients, without furnishing advance notice to the House and Senate Committees on Ways and Means, and to the Joint Committees on Health Care and Human Services and Elderly Affairs;”.

The amendments were adopted.

Mr. McDonough then moved that the bill be amended in section 2, in item 4400-4000, by striking out, in lines 9, 10 and 11, the words “provided further, that not more that two thousand seven hundred cases shall be enrolled during fiscal year nineteen hundred and ninety-three” and inserting in place thereof the following: “provided that not more than three thousand three hundred cases shall be enrolled during fiscal year nineteen hundred and ninety-three, and further that the department shall enroll all eligible recipients into the Title XIX program where it is cost effective to the department to do so; and provided further that the Department shall pay each such eligible recipient’s share of spenddown under the provisions of title XIX”.

The amendment was adopted.

Mr. Caron of Springfield then moved that the bill be amended in section 2 by striking out items 2270-1000, 2270-2000 and 2270-3000 and inserting after item 8311-1000 the following three items:

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8311-2000 For the administrative review board component of the underground storage tank cleanup program in accordance with the provisions of chapter twenty-one J of the General Laws, including not more than two positions ......................... 120,000
Underground Storage Tank Petroleum Product Cleanup Fund ... 100.0%

8311-3000 For the reimbursement component of the underground storage tank cleanup program, in accordance with the provisions of chapter twenty-one J of the General Laws, for the purposes of reimbursing parties who have cleaned up spills of petroleum products .......... 10,340,000
Underground Storage Tank Petroleum Product Cleanup Fund ... 100.0%

8311-4000 For the municipal grants component of the underground storage tank cleanup program, administered pursuant to the provisions of chapter twenty-one J of the General Laws and section thirty-seven A of chapter one hundred and forty-eight of the General Laws, for the purposes of removing and replacing underground storage tanks ......................... 840,000
Underground Storage Tank Petroleum Product Cleanup Fund ... 100.0%"
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and by striking out sections 151 to 154, inclusive, and inserting in place thereof the following six sections:

“SECTION 151. Section 4 of chapter 21J of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in
line 19 by striking the words 'secretary of administration and finance' and inserting in place thereof the words: — commissioner of the department of public safety.

SECTION 152. Section 6 of said chapter 21J, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The commissioner of the department of public safety shall make payments from the fund for any claim approved by a majority vote of the board and submitted in writing to said commissioner.

SECTION 153. Section 8 of said chapter 21J, as so appearing, is hereby amended in lines 10 through 13 by striking the words 'the secretary of administration and finance, or his designee, who shall serve as the chairman; the commissioner of the department of environmental protection, or his designee; the state fire marshal, or his designee' and inserting in place thereof the words: — 'the commissioner of the department of public safety, or his designee, who shall serve as the chairman; the secretary of administration and finance, or his designee; the commissioner of the department of environmental protection, or his designee'.

SECTION 154. Section 10 of said chapter 21J, as so appearing, is hereby amended in lines 4 through 5 by striking out the words 'secretary of administration and finance' and inserting in place thereof the words: — commissioner of the department of public safety.

SECTION 154A. Section 1 of chapter 21J of the General Laws, as so appearing, is hereby amended by inserting in line 16 after the word 'vehicle' the following: — or a boat.

SECTION 154B. Said section 1 of said chapter 21J, as so appearing, is hereby further amended by inserting in line 33 after the word 'vehicle' the word: — , boat.”.

The amendments were adopted. Subsequently Mr. Caron moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Constantino of Clinton then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 367. If tax revenues shall be greater than 9.7 billion dollars in fiscal year 1993, then at least 40% of all tax revenues exceeding the 9.7 billion dollar figure shall be distributed to municipalities through the school finance program so-called, line item 7010-0070.”.

The amendment was rejected.

The same member then moved that the bill be amended in section 2 by inserting after item 2420-1400 the following item:

“2420-1600 For the watershed management program to provide a program for technical assistance under Section 15 of Chapter 36 of the Acts of 1992 to the communities of Barre, Belchertown, Boylston, Clinton, Hardwick, Holden, Hubbardston, New Salem, Oakham, Orange, Paxton, Pelham, Petersham, Phillipston,
WEDNESDAY, MAY 27, 1992.

Princeton, Rutland, Shutesbury, Sterling,
Templeton, Ware, Wendell, West Boylston,
Westminster ................................. 1,000,000
Watershed Management
Fund ................................. 100.0%”.

The amendment was rejected.

Mr. Morrissey of Quincy then moved that the bill be amended in section 2 by striking out item 9000-1492 and inserting in place thereof the following item:

“9000-1492 For the expenses of the Christopher Columbus Quincentenary Celebration; provided, however that the City of Boston shall open Long Island for public viewing of the Tall Ships parade. The City may submit, for the purposes of reimbursement, to the Secretary of Administration and Finance for the costs and expenses incurred for opening the island.

Massachusetts Tourism
Fund ................................. 3,000,000”.

The amendment was adopted.

There being no objection, — Messrs. Mariano of Quincy, Morrissey of Quincy and Tobin of Quincy moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 367. Clause (b) of section 8 of chapter 372 of the acts of 1984 is hereby amended by inserting after the word ‘for’ in lines 3 and 8, in each instance, the word: — approval,.  
SECTION 368. Said clause (b) of said section 8 of said chapter 372 is hereby further amended by inserting after the word ‘such’ in line 22 the words: — approval and.  
SECTION 369. Paragraph (iii) of clause (d) of section 23 of said chapter 372 is hereby amended by inserting after the first word ‘to’ in line 1 the words: — approve and.”.

The amendment was rejected.

Mr. Healy of Charlemont then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 367. Clause 52 of section 6 of chapter 136 of the General Laws as most recently amended by chapter 378 of the Acts of 1991 is hereby amended by striking the text contained therein and inserting in place thereof the following: —

The retail sale of alcoholic beverages not to be drunk on the premises, (a) on the Sunday immediately preceding Christmas day and on the Sunday immediately preceding New Year’s Day by retail establishments throughout the commonwealth licensed under section fifteen of chapter one hundred and thirty-eight, and (b) on any Sunday by any retail establishment licensed under the provisions of section fifteen of chapter one hundred and thirty-eight and located in any city or town in Berkshire County, Franklin county, Middlesex County, Worcester County or in Essex County which city or town is located within ten miles of the New Hampshire border or within ten miles of the Vermont border; provided, however, that a local licensing authority may grant at its discretion, a permit to allow the
sale of alcoholic beverages under this clause; and provided, further, that such permit shall not allow such sale to occur prior to the hour of twelve noon or on a legal holiday as defined in clause eighteenth of section seven of chapter four when said holiday occurs on one of the Sundays described herein; and provided, further, that establishments operating under the provisions of this clause shall compensate all employees at a rate of not less than one and one-half the employee’s regular rate; and provided, further, that no employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, discharge, deduction of hours or any other penalty.”.

The amendment was adopted.

Mr. Rohan of Holyoke then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 368. Section 1 of Chapter 258 of the General Laws as appearing in the 1990 Official Edition is hereby amended by inserting in the definition of ‘public employer’ after the word ‘thereof’ in line 37, the words ‘, including a municipal gas or electric plant, department, board or commission,’.”.

The amendment was adopted.

Mr. Pacheco of Taunton then moved that the bill be amended by adding at the end thereof the following three sections:

“SECTION 369. Section 3C of chapter 60 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word ‘fund’, in line 10, the words: — education fund.

SECTION 370. Section 3C of chapter 60 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word ‘fund’, in line 13, the words: — education fund.

SECTION 371. Section 3C of chapter 60 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word ‘fund’, in line 23, the words: — education fund.”.

The amendment was adopted.

There being no objection, — Messrs. Ruane of Salem, Krekorian of Reading, Angelo of Saugus and Henry of Beverly moved that the bill be amended in section 2, in item 3100-0200, by inserting after the word “grants,”, in line 2, the words “provided further that such incentive grants may be utilized for the purchase of hardware and equipment,”; and the amendment was adopted.

Mr. Serra of Boston being in the Chair, — Mr. Walsh of Agawam moved that the bill be amended by adding at the end thereof the following section:

“SECTION 372. Notwithstanding the provisions of chapter 30A of the General Laws or any other general or special law to the contrary, the alcoholic beverages control commission shall not promulgate rules or regulations relative to requiring an amount of money be deposited by a purchaser of a container of any alcoholic beverages from any person, partnership or corporation licensed to
sell alcoholic beverages under the provisions of section 15 of chapter 138. The commission shall be further prohibited from promulgating rules and regulations establishing the size of containers of ale or malt beverages available for sale in the commonwealth.

The amendment was adopted.

Mr. Walsh of Agawam then moved that the bill be amended by striking out section 96 and inserting in place thereof the following section:

"SECTION 96. Section 24 of chapter 10 of the General Laws, as appearing in the 1990 Official Edition, as most recently amended by section one of chapter four hundred and sixty-one of the acts of nineteen hundred and ninety-one, is hereby further amended by inserting after the third paragraph the following paragraph:

The commission is authorized to pursue and negotiate any game or games that could not be devised, obtained or otherwise utilized by the commission due to the pre-existence or pendency of copyright or patent. Nothing in this section shall be construed as authorization for the commission to pursue or negotiate any electronically simulated game of chance including video poker, keno or blackjack displayed and played on a video lottery machine."

The amendment was adopted.

There being no objection, — Messrs. Brett of Boston, Bosley of North Adams and Finneran of Boston moved that the bill be amended in section 106 by striking out the four sentences contained in lines 41 to 57, inclusive, and inserting in place thereof the following four sentences: — “There is hereby established within the executive office of environmental affairs the board of registration of hazardous waste site cleanup professionals. The board shall consist of eleven members. One member, who shall be the chairman of the board, shall be the commissioner of the department or his designee; provided, that said designee shall be a full-time employee of the department at all times while he is so designated. The governor shall appoint the other ten members of the board, who shall be the following: one shall be a member of organized labor who is knowledgeable with respect to issues involving hazardous waste cleanup operations; three shall be hazardous waste site cleanup professionals licensed by the board at all times while they are members of the board effective one year after the date of publication in the Massachusetts Register of the first regulations promulgated pursuant to section nineteen B; provided, however, one such licensed hazardous waste site cleanup professional shall be a full-time employee of a manufacturing firm engaged in the utilization of hazardous material and one other such licensed hazardous waste site cleanup professional shall be a full-time employee of a firm engaged in the manufacturing and processing of petroleum products; two shall be members of statewide organizations that promote the protection of the environment at the time of appointments and who are knowledgeable with respect to issues involving responding to releases of oil and hazardous materials; three shall be representatives
of industrial, commercial and small business organizations who are knowledgeable with respect to issues involving responding to releases of oil and hazardous materials; and one shall be a member of the general public who is knowledgeable with respect to issues involving responding to releases of oil and hazardous materials.

in section 126 by striking out the two sentences contained in lines 6 to 11, inclusive, and inserting in place thereof the following four sentences: For applications filed on or before December thirty-first, nineteen ninety-four, the fee for the category of permit application that involves the most extensive processing and consideration shall not exceed six thousand dollars per application and shall be the highest application fee. For applications filed on or after January first, nineteen hundred and ninety-five, the department shall by regulation, establish such fees based on the department's reasonable costs for processing and considering such permit applications including, without limitation, providing technical assistance, and performing and analyzing such environmental monitoring as is necessary to act on such applications. Such fees shall be based on a scale that accounts for the department's costs appropriate for different categories of permit applications and permits. Such fees shall be based on a scale that accounts for the extent of such enforcement and compliance activity that is appropriate for different categories of permits; provided, that the compliance assurance fee for the category of permit that involves the most extensive enforcement and compliance activity shall not exceed ten thousand dollars per response action per site or vessel per year and shall be the highest compliance assurance fee.

in section 134 by striking out the paragraph contained in lines 18 to 26, inclusive, and inserting in place thereof the following paragraph:

"(i) Lands, structures, and appurtenances, including any associated rights of way, that are used or to be used by an agency of the commonwealth or a public service corporation that is a site at which the department has incurred costs for response actions shall not be liable to the department for those costs if said agency of the commonwealth or said public service corporation can establish by clear and convincing evidence that: (1) it is not a person described in clauses (2), (3), (4) or (5) of paragraph (a); and (2) said agency of the commonwealth or said public service corporation immediately notified the department of the presence of the oil or hazardous material upon the site as soon as it had knowledge of it. If the department can establish by clear and convincing evidence that said agency of the commonwealth or said public service corporation knew or had reason to know of the presence of oil or hazardous material on the site when it came into possession of the property, the defense established by this paragraph shall not apply."

The amendments were adopted.

There being no objection, — Ms. Buell of Greenfield and other members of the House moved that the bill be amended in section 2 by adding at the end of item 4402-4400 the words "; and further
provided that the regulations, criteria and standards for determining admission to and continued stay in a nursing home, shall not be more restrictive than those regulations, criteria and standards in effect on January first, nineteen hundred and ninety-two.

The amendment was adopted.

Ms. Bump of Braintree then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 373. Section 9 of Chapter 118F, as most recently amended by Chapter 26 of the acts of 1992, is hereby amended by striking the word ‘and’, in line 68, and by inserting the following after the word ‘law’ in line 69: — but shall not include access to or coverage of psychiatric and substance abuse providers of non-emergency services delivered in a state other than the Commonwealth, except if such services are not provided for or available within the Commonwealth."

The amendment was adopted.

There being no objection, — Representatives Menard of Somerset, Cox of Lowell, Herren of Fall River, Lambert of Fall River and Correia of Fall River moved that the bill be amended in section 2 by striking out items 0336-0400 and 0336-0500 and inserting in place thereof the following two items:

"0336-0400 For the Southeastern housing court component of the housing court program, including not more than eleven positions all of which can be filled notwithstanding a general freeze on hiring ... 329,745

0336-0500 For the Northeastern housing court program, including not more than eleven positions all of which can be filled notwithstanding a general freeze on hiring ......................... 329,745".

The amendment was adopted.

There being no objection, — Messrs. Hodgkins of Lee, Bosley of North Adams and Healy of Charlemont moved that the bill be amended by inserting after section 23 the following section:

"SECTION 23A. Notwithstanding the provisions of any general or special law to the contrary, the cherry-sheets, so-called, of the Commonwealth shall contain a separate category for state owned land payments to be known as ‘In Lieu of Taxes’ which shall list for each city and town the amount of payments under the provisions of sections thirteen, seventeen, seventeen A and seventeen B of chapter fifty-eight of the General Laws. It is the intent of the legislature to ensure that such payments are made to municipalities."

The amendment was adopted.

Mr. Hodgkins then moved that the bill be amended by inserting after section 283B (inserted by amendment) the following section:

"SECTION 283C. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the district court department of the trial court of the Commonwealth is hereby authorized and directed to establish a sick leave bank for Linda Mailllette, an employee of the Pittsfield division of the district court depart-
ment. Each employee of the trial court of the commonwealth may voluntarily contribute one or more of his sick, vacation or personal days to such bank for use by said Linda Maillette.”.

The amendment was adopted.

Mr. Walsh of Agawam then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 374. The secretary of consumer affairs, in conjunction with the commissioner of the department of revenue and the secretary of public safety, is hereby authorized and directed to study and report on the feasibility of instituting a video lottery gaming system in the commonwealth. Video lottery shall be defined as an electronically simulated game or games of chance, including but not limited to video poker, keno or blackjack, displayed and played on a video lottery machine from which the player may electronically receive a ticket redeemable for cash. Said report shall include, but not be limited to security, technology, cost of equipment, technical support, operator involvement, revenues and an implementation plan for the commonwealth. The report, which shall include legislation necessary to implement the report’s recommendations, shall be submitted to the clerk of the house and the clerk of the senate on or before November first, nineteen hundred and ninety-two.”.

The amendment was adopted.

Mr. Hodkins of Lee then moved that the bill be amended by inserting after section 38 the following section:

“SECTION 38A. Notwithstanding the provisions of Chapter fifty-nine of the General Laws, the Town of Monterey may by bylaw provide a real estate tax exemption program for residents of the Town serving as members of the Volunteer Fire Department.

Said bylaw shall provide that not later than ninety days prior to the beginning of the fiscal year, the Chief of the Fire Department shall certify to the Board of Assessors the name of each individual and the real estate for which an exemption is sought, provided (a) that said real estate shall be occupied and owned by said individual as his or her domicile, or occupied as his or her domicile but owned by a member of the immediate family; (b) that no individual shall be certified if said individual has not been a member in good standing of the Fire Department for at least twelve months prior to such certification; (c) that not more than twenty-four individuals shall be certified for any one fiscal year, exclusive of any exemption granted to a retired member under the provisions of this act; and (d) that no such exemption shall exceed the sum of one thousand five hundred dollars ($1,500) in any one fiscal year, provided however said bylaw may provide for an annual increase of such amount based on an index approved by the Commissioner of Revenue.

Said bylaw shall also provide that any retired member of the Town’s Volunteer Fire Department shall be eligible for at least seventy percent (70%) of such allowable exemption, or such other greater amount, as determined by bylaw, provided, however that such individual has reached his or her sixtieth birthday prior to the
fiscal year for which an exemption is being sought and has served as a member of the Fire Department for not less than fifteen years immediately preceding his or her sixtieth birthday. Any individual receiving an exemption under the provisions of this act shall continue to receive such exemption if permanently disabled.”.

The amendment was adopted.

Mr. Teague of Yarmouth then moved that the bill be amended by striking out section 27.

The amendment was rejected.

The same member then moved that the bill be amended in section 2, in item 4000-0300, by striking out, in lines 2 to 5, inclusive, the words “in association with regional transportation authorities established pursuant to chapter one hundred and sixty-one B of the General Laws and pursuant to the provisions of section twenty-seven of this Act;” and inserting in place thereof the words “. The Secretary of the Executive Office of Health and Human Services is hereby authorized and directed to solicit bids from private as well as public entities in accordance with commonwealth purchasing policies;”; by striking out, in lines 22 to 31, the words “provided further, that seven hundred and fifty-six thousand dollars shall be expended from this item for the purposes of statewide mobility training to be administered by said authorities; provided further, that not more than five hundred thousand dollars shall be expended from this item for the purposes of a facilitated transportation service pilot program to be administered by said authorities; provided further, that chargebacks to agencies by said authorities for mobility training and facilitated transportation expenditures shall be credited to this item;”, and by striking out, in said item, the figures “52,997,100” and inserting in place thereof the figures “51,741,100”.

The amendments were rejected.

There being no objection, — Representatives Gardner of Holliston and DeLeo of Winthrop moved that the bill be amended by inserting after section 60 the following section:

“SECTION 60A. The first paragraph of section 5 of Chapter 71B of the General Laws, as most recently amended by section 143 of Chapter 138 of the Acts of 1991, is hereby further amended by striking the first sentence and inserting in place thereof the following sentence: — Notwithstanding the provisions of section twenty-seven C of chapter twenty-nine or any other general or special law to the contrary, if a child with special needs for whom a school committee currently provides or arranges for the provision of special education in a day or residential placement, including placement in a pediatric nursing home, pursuant to the provisions of section three, or his parent or guardian, moves to a different school district on or after July first of any fiscal year, said school committee of the former community of residence shall pay the approved budgeted costs, including necessary transportation costs, of such day or residential placement, including placement in a pediatric nursing home, of such child for the balance of such fiscal year.”.

The amendment was adopted.
Mr. Forman of Plymouth then moved that the bill be amended in section 155 by striking out, in line 2, the words "division of regionalism" and inserting in place thereof the words "bureau of regionalism". The amendment was adopted.

There being no objection, — Representatives Pacheco of Taunton and Menard of Somerset moved that the bill be amended in section 2, above item 5011-1000, by striking out program objective 3 and performance measures 3a and 3b;

In item 5046-3500 by striking out, in lines 2 and 3, the words "due to the mental health facility consolidation";

Above item 5911-1000, by striking out, under the heading "PROGRAM MISSION", the words "implement the facility consolidation plan", by striking out, in lines 2 to 5, inclusive, of the second program objective, the words "and other program initiatives outlined in the Governor's Special Commission on the Consolidation of the Health and Human Services Facilities", and by striking out program objective 3 and performance measures 2 and 3;

Above item 5930-1000, by striking out program objective 3, and by striking out performance measures 1d, 3a, 3b and 3c; and by striking out sections 54, 57 and 58.

Amendments adopted, — yea and nay No. 172.

Mr. Forman of Plymouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 375. Chapter 63 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding after Section 38M the following section: —

Section 38N. Every corporation that files a return may voluntarily contribute all or part of any refund to which it is entitled or may voluntarily add an amount onto any amount due to be credited to the Organ Transplant Fund. A contribution made under this section may be made with respect to any taxable year at the time of filing of the tax imposed by this chapter for such taxable year; provided however that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section five of chapter sixty-two C."

The amendment was adopted.

For the agricultural development program, provided that not less than $150,000 be expended in a grant to the City of Boston for
technical assistance to the Haymarket Association and provided further that not less than $250,000 be expended for the farmer's market coupon program, including not more than twenty-five positions 1,161,896".

The amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 376. Chapter 32A is hereby amended by adding after section 8 the following new section:

Section 8A. Notwithstanding any general or special laws to the contrary, employees hired on or after July first, nineteen ninety-two shall now contribute twenty-five percent of their health insurance premium and the state shall contribute the remaining seventy-five percent."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Blanchette of Lawrence; and on the roll call 35 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 173 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Representatives Menard of Somerset and Jehlen of Somerville moved that the bill be amended in section 2 by inserting after item 0810-1031 the following item:

"0810-1032 For the expenses of administering the local consumer aid fund, established by section eleven G of chapter twelve of the General Laws 605,901".

The amendment was adopted.

Mr. Walsh of Agawam then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 376. Paragraph (b) of Section 1 of Chapter 30B of the General Laws, as appearing in Chapter 138 of the Acts of 1991, is hereby amended by adding the following:

(29) 'an amendment or modification of a contract for the disposal of garbage, refuse or offal, other than a modification or amendment constituting a renewal, extension or option; provided that the terms of any such amendment or modification has been authorized by a majority vote;'"

The amendment was adopted.

Mr. Flaherty of Cambridge then moved that the bill be amended in section 2, in item 9000-1900, by inserting after the word "Laws", in line 6, the words "; provided, further, that of the amount appropriated herein, not less than one hundred thousand dollars shall be expended for the promotion and operation of the Bay State Games."

The amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended in section 2 by striking out, in item 1201-0100, the figures "104,297,690" and inserting in place thereof the figures "95,376,000".
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. Forman; and on the roll call 58 members voted in the affirmative and 91 in the negative.

[See Yea and Nay No. 174 in Supplement.]

[Mr. Koczera of New Bedford answered “Present” in response to his name.]

Therefore the amendment was rejected.

Mr. Forman of Plymouth then moved that the bill be amended in section 2, in item 2100-1000, by inserting after the word “department”, in line 2, the words “currently managed by department personnel”. After remarks the amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 2100-3000, by inserting after the word “activities”, in line 4, the words “currently managed by department personnel”. The amendment was adopted.

Mr. Kraus of Kingston then moved that the bill be amended in section 2, in item 8700-0010, by striking out, in line 6, the words “seventy-five thousand dollars” and inserting in place thereof the words “four hundred thousand dollars”; and by striking out, in said item, the figures “2,479,583” and inserting in place thereof the figures “2,804,583”.

After remarks the amendments were rejected.

Ms. Hornblower of Groton then moved that the bill be amended in section 2 by striking out, in item 0710-0000, the figures “9,676,654” and inserting in place thereof the figures “9,257,213”.

After debate the amendment was rejected.

There being no objection, — Representatives O’Brien of Easthampton, McIntyre of New Bedford and Angelo of Saugus moved that the bill be amended by adding at the end thereof the following section:

“SECTION 377. Section 19 of Chapter 275 of the Acts of 1989 is hereby amended by striking the first sentence of subsection (a) and inserting in place the following: — (a) Notwithstanding the provisions of chapter twenty-nine C of the General Laws or this act to the contrary, on or before July seventeenth, nineteen hundred and ninety-two, the water pollution abatement trust created pursuant to the provisions of said chapter twenty-nine C is authorized to make loans to local governmental units for the costs of water pollution abatement projects approved by the department of environmental quality engineering pursuant to section twenty-seven A of chapter twenty-one of the General Laws in an aggregate principal amount not to exceed two billion two hundred ten million dollars; provided, however, that not more than two hundred million dollars of such amount shall be applied to loans to finance costs of constructing collection systems as defined in section twenty-six A of said chapter twenty-one; provided, however, that no local governmental unit shall receive in any fiscal year more than ten percent of the dollar value of such loans made in that fiscal year; not more than three hundred twenty million dollars of such amount shall be applied to loans to finance costs of projects to rehabilitate abatement facilities.
to remove infiltration therefrom the costs of combined sewer overflow projects or certain other categories of abatement facility construction projects not typically funded by federal grants, identified as such in regulations promulgated by the department and in accordance with a priority system established by regulation, provided that no local government unit shall receive in any fiscal year more than twenty-five percent of the dollar value of such loans made in that fiscal year; not more than one billion two hundred million dollars shall be applied to loans to finance the costs of constructing other abatement facilities as defined in section twenty-six A of chapter twenty-one of the General Laws; provided, however, that no local governmental unit shall receive in any fiscal year more than fifty percent of the dollar value of such loans made in that fiscal year; not more than two hundred million dollars of such amount shall be applied to loans to finance costs of planning or design of abatement facilities and collection systems; provided, further, that no local governmental unit shall receive in any fiscal year more than twenty-five percent of the dollar value of such loans made in that fiscal year unless all other applicants for such loans in that fiscal year shall receive such loans; and not more than two hundred ninety million dollars shall be applied to loans to finance costs of abatement projects not eligible for financial assistance pursuant to section six of chapter twenty-nine C of the General Laws but approved by the department pursuant to section twenty-seven A of chapter twenty-one of the General Laws."

The amendment was adopted.

There being no objection, — Messrs. Forman of Plymouth and Knapik of Westfield moved that the bill be amended in section 2 by striking out item 1100-1220.

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. Forman; and on the roll call 74 members voted in the affirmative and 76 in the negative.

[See Yea and Nay No. 175 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. Forman; and on the roll call 55 members voted in the affirmative and 93 in the negative.

[See Yea and Nay No. 176 in Supplement.]

Therefore the motion to reconsider was negatived.

There being no objection, — Representatives Tolman of Watertown and Gray of Framingham moved that the bill be amended by inserting after section 190 the following three sections:

"SECTION 190A. Section 43A of chapter 121B is hereby amended at the end of the second paragraph, as appearing in the 1990 Official Edition, by adding the following sentence at the end: Except for an occupant of a residential program covered by section eighteen A of chapter one hundred and eighty-four, no individual
person occupying residential premises whose rent or other charges for use and occupation of the premises are subsidized under a federal or state subsidy program may be removed from possession other than through an action brought pursuant to chapter two hundred and thirty-nine.

SECTION 190B. Chapter 184 of the General Laws is hereby amended by inserting after section 18, as appearing in the 1990 Official Edition, the following new section:

Section 190B. The protections of section eighteen shall apply to a lawful individual occupant of a residential program for persons with mental disabilities, licensed, funded or operated by the departments of mental health or mental retardation, except that the provisions of chapter two hundred and thirty-nine shall not be applied to such occupant if, before any intended eviction, such occupant was afforded by the appropriate department at least the following procedural protections, either in the course of any applicable individual service plan modification process in accord with the department's regulations, or otherwise:

1. Prior written notice of the grounds of the proposed eviction, including reasons, relevant facts and the sources of such facts;
2. The opportunity prior to the hearing to review and copy his file, which shall have included any document intended to be, or in fact was, used against him at the hearing;
3. A fair hearing in which:
   a. the party seeking the ouster had the burden of proof;
   b. the occupant was afforded the opportunity to be represented by anyone of his own choosing, including counsel;
   c. the issues at the hearing were limited to those specified in the written notice;
   d. the occupant was afforded the opportunity to present his own evidence, to examine adverse evidence and to confront and cross-examine adverse witnesses; and
   e. the decision thereafter:
      i. was made by an impartial hearing officer who was in no way involved in the effort to have the occupant removed; and
      ii. was based solely on the evidence brought at the hearing; and
4. In the case of an occupant who otherwise would have been rendered homeless by the eviction, appropriate steps were taken to secure for him adequate and appropriate alternative housing, in the least restrictive setting appropriate to his mental condition.

The superior, housing and district courts shall have jurisdiction in equity to enforce the provisions of this section.

SECTION 190C. Section 17 of chapter 186 of the General Laws is hereby amended by striking the first clause before the proviso, as appearing in lines 1 through 5 of the 1990 Official Edition, and inserting in its place the following clause: For the purposes of this chapter and chapters one hundred and eleven, one hundred and eighty-four and two hundred and thirty-nine, occupancy of the dwelling unit within a dormitory of a charitable or philanthropic institution, except for a fraternity, sorority or dormitory of an
educational institution, or within premises licensed as a rooming house or lodging house or within a residential program as defined in section eighteen A of chapter one hundred and eighty-four, but subject to the limitations of said section, for three consecutive months shall constitute a tenancy at will;”; and by inserting after section 248 the following section;

“SECTION 248A. Section 120 of chapter 266 of the General Laws is hereby amended by striking the second paragraph, as appearing in the 1990 Official Edition, and inserting in its place the following paragraph:

This section shall not apply to tenants or occupants protected under the provisions of sections eighteen or eighteen A of chapter one hundred and eighty-four or to tenants or occupants of residential premises who, having rightfully entered said premises at the commencement of the tenancy or occupancy, remain therein after such tenancy or occupancy has been or is alleged to have been terminated. The owner or landlord of said premises may recover possession thereof only through appropriate civil or administrative proceedings.”.

The amendments were adopted.

Mrs. Menard of Somerset then moved that the bill be amended in section 2 by striking out, in item 4530-9000, the figures “1,977,000” and inserting in place thereof the figures “2,069,168”.

The amendment was adopted.

Mr. DeFilippi of West Springfield then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 378. Section 1 of Chapter 46 of the Acts of 1990 is amended by striking the second paragraph in its entirety and by replacing therein the following: —

(1) Within ten days after the birth of any child, the attending physician, midwife, or his or her agent shall:

(a) Fill out a certificate of birth, giving all of the particulars required, including: (i) The mother’s name and date of birth, and (ii) if the mother and father are married at the time of birth or the father has signed an acknowledgement of paternity, the father’s name and date of birth; and

(b) File the certificate of birth together with the mother’s and father’s social security numbers with the local registrar of the district in which the birth occurred.

(2) The local registrar shall forward the birth certificate, any signed affidavit acknowledging paternity, and the mother’s and father’s social security numbers to the state office of vital statistics.

(3) The state office of vital statistics shall make available to the office of support enforcement the birth certificates, the mother’s and father’s social security numbers and paternity affidavits.

(4) Upon the birth of a child to an unmarried woman, the attending physician, midwife, or his or her agent shall:

(a) Provide an opportunity for the child’s mother and natural father to complete an affidavit acknowledging paternity. The completed affidavit shall be filed with the local registrar. The affidavit shall contain or have attached:
(i) A sworn statement by the mother consenting to the assertion of paternity and stating that this is the only possible father;

(ii) A statement by the father that he is the natural father of the child;

(iii) Written information, furnished by the department of social and health services, explaining the implications of signing, including parental rights and responsibilities; and

(iv) The social security numbers of both parents.

(b) Provide written information, furnished by the department of social and health services, to the mother regarding the benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services.

(5) The physician or midwife is entitled to reimbursement for reasonable costs, which the department shall establish by rule, when an affidavit acknowledging paternity is filed with the state office of vital statistics.

(6) When no putative father is named on a birth certificate of a child born to an unwed mother the mother may give any surname she so desires to her child but shall designate in space provided for father's name on the birth certificate 'None Named'.

The amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended in section 2 by striking out item 4408-1000 and inserting in place thereof the following item:

"4408-1000 For a program of cash assistance to certain residents of the commonwealth, which shall be entitled emergency aid to the elderly and disabled, serving those residents found by the department of public welfare to be eligible for such aid, pursuant to regulations promulgated by said department and subject to the limits of the appropriation therefor, provided, that said program may include a program of medical benefits as defined by regulations of the department of public welfare; provided further, that the department may provide benefits to persons over the age of sixty-five who have applied for benefits under chapter one hundred and eighteen A of the General Laws, to persons suffering from those physical or mental incapacities designated by the department, and which have been verified by a medical practitioner designated by the department, and to certain persons caring for a disabled person; provided further, that the costs of verifying disabilities may be paid from this item; provided further, that in designating those physical or mental incapacities which are disabling, the department may include those impairments listed in 20 C.F.R. 404, Subpart P, Appendix I; provided further, that the department shall not apply age, educational, and vocational
standards to those individuals who have a medical disability which does not meet the medical standards established by regulations of the department; provided further, that the payment standard shall not exceed the payment standard in effect for Fiscal Year 1991; provided further, that a thirty-five dollar per month rent allowance, to the extent determined to be possible within the appropriation by the department, shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that the department may provide participants in the Vocational Rehabilitation program of the Massachusetts rehabilitation commission, as defined in 106 C.M.R. 320.250, benefits under this program if otherwise eligible; provided further, that the department is authorized to promulgate emergency regulations pursuant to section three of chapter thirty A of the General Laws to implement this program promptly and within the appropriation; provided further, that the department may begin the eligibility determination process prior to the effective date of regulations promulgated hereunder; provided further, that no ex-offender, person over age forty-five without a prior work history, person in a residential treatment facility, student, or family shall be eligible for benefits under this program unless said person or persons otherwise meets the eligibility criteria described herein and defined by regulations of the department; provided further, that benefits under this program shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits, and any other benefits, under this program, the department shall take into account the amounts available to it for expenditure under this chapter so as not to exceed the appropriation, and may, in its discretion, depart from prior practices in accordance with the provisions of this item; provided further, that the department is authorized to promulgate emergency regulations pursuant to chapter thirty A of the General Laws to implement these eligibility or benefit changes or both; and provided further, that nothing herein shall be construed as
creating any right accruing to recipients of the former emergency aid to the elderly, disabled, and children program established by chapter two hundred and fifty-five of the acts of nineteen hundred and ninety-one; provided further, that any person incarcerated in a correctional institution shall not be eligible for benefits under this program; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the funds made available herein shall be the only funds available for this program, and the department shall not expend funds for this program in excess of the amount made available herein 72,883,000; and by adding at the end thereof the following section:

"SECTION 379. Section 3 of chapter 117A of the General Laws, as enacted in section 4 of chapter 255 of the acts of 1991, is hereby amended by striking out the second paragraph and inserting in place thereof the following new paragraph:

The department shall not consider ex-offenders, persons over the age of forty-five with no recent work history, persons in residential treatment facilities, students, or families as eligible solely by virtue of such status."

After remarks on the question on adoption of the amendments, 14 members voted in the affirmative and 35 in the negative. The sense of the House then was taken by yeas and nays, at the request of Mr. Forman; and on the roll call 30 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 177 in Supplement.]

Therefore the amendments were rejected.

Ms. Bump of Braintree then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 379. Chapter Twenty-three of the General Laws is hereby amended by striking out Section 111 and inserting in place thereof the following section:

Section 111. Every apprentice agreement entered into under sections eleven E to eleven L, inclusive, shall substantially conform to the following basic standards:

1. A provision that not less than two thousand hours of employment as an apprentice in the occupation therein referred to shall be required in order to learn such occupation shall be included therein;

2. A schedule of the work processes to be learned in the occupation shall be set forth therein;

3. A progressively increasing scale of wages for the apprentice, during the period of his apprenticeship, averaging approximately one half of the rate of pay of a journeyman over a similar period, shall be set forth therein;

4. A provision for approximately one hundred and fifty hours per year of related classroom instruction for the apprentice during said period of apprenticeship shall be included therein;
(5) Notwithstanding the provisions of Section 11G of this Chapter neither the director of apprenticeship, the commissioner nor the apprenticeship council shall set up and establish conditions and training standards for apprentice agreements which are in conflict with the ratio established in apprenticeable occupations operated by joint labor management apprentice training programs approved under the provisions of this chapter;

(6) A concise and accurate statement of the terms and conditions of the employment and training of the apprentice shall be set forth therein, and also a statement that such apprenticeship agreement shall, as soon as may be after its execution, be filed with the apprenticeship council; and

(7) A statement that such agreement may be terminated, within six months of its execution, by either the employer or the apprentice involved, for any reason, shall be included therein.”.

The amendment was rejected.

Mr. Forman of Plymouth then moved that the bill be amended in section 2 by striking out, in item 0330-3200, the figures “12,747,660” and inserting in place thereof the figures “11,631,342”. The amendment was rejected.

At twenty-four minutes before six o’clock A.M. (Friday, May 29), Mr. Hynes of Marshfield moved, that unless sooner reached, further debate on passing to be engrossed the General Appropriation Bill (House, No. 5600, amended) be closed at the hour of eight o’clock A.M., this day, and after debate the motion to close debate was negatived.

Mr. Brewer of Barre then moved that the bill be amended in section 2 by striking out, in item 2300-0100, the figures “407,132” and inserting in place thereof the figures “452,132”. The amendment was rejected.

The same member then moved that the bill be amended in section 105 by adding at the end thereof the following paragraph: “Any such takings of land or interests therein by said department prior to the effective date of this act are hereby ratified, validated and confirmed, and shall have the same legal force as if this act were in effect as of the time of such taking.”.

The amendment was adopted.

Mr. Brewer then moved that the bill be amended in section 2, in item 2350-0100, by striking out, in line 5, the figures “65.0%” and inserting in place thereof the figures “55.0%”; and by striking out, in line 8 of said item, the figures “10.0%” and inserting in place thereof the figures “20.0%”. The amendments were adopted.

Mr. Scaccia of Boston then moved that the bill be amended in section 2 by striking out, in item 1201-0100, the figures “104,297,690” and inserting in place thereof the figures “103,905,512”; and by striking out, in item 1310-1000, the figures “1,005,822” and inserting in place thereof the figures “1,398,000.”.

The amendments were adopted.

The same member then moved that the bill be amended in section 2, in item 5046-2000, by striking out, in lines 2 and 3, the words “including not more than two hundred and forty-five
positions” and inserting in place thereof the words “not more than seven hundred and fifty positions”; and in item 5047-5000 by striking out, in lines 2 and 3, the words “including not more than fifty positions” and inserting in place thereof the words “not more than sixty-eight positions”.

The amendments were adopted.

Mr. Kennedy of Brockton then moved that the bill be amended in section 2 by striking out, in item 4120-3000, the figures “6,578,595” and inserting in place thereof the figures “6,653,595”. The amendment was adopted.

There being no objection, — Messrs. Scaccia of Boston and Rushing of Boston moved that the bill be amended in section 2 by adding at the end of item 5046-3600 the words “; provided that prior to the privatization, consolidation or closure of any community mental health center the Secretary of Administration and Finance shall file a cost benefit analysis of any such privatization, consolidation or closure. No community mental health center shall be closed, consolidated or privatized unless authorized by legislation enacted by the General Court and signed by the Governor”; and by adding at the end of item 5046-4000 the words “; provided that prior to the privatization, consolidation or closure of any inpatient unit, paid through this line item, the Secretary of Administration and Finance shall file a cost benefit analysis of any such privatization, consolidation or closure. No inpatient unit, paid through this line item, shall be closed, consolidated or privatized unless authorized by legislation enacted by the General Court and signed by the Governor”.

The amendments were rejected. Subsequently Mr. Scaccia moved that the vote be reconsidered; and the motion to reconsider prevailed. After remarks on the recurring question the amendments were adopted.

At eight minutes before six o’clock A.M. (Friday, May 29), on motion of Mr. Landers of Palmer (Mr. Voke of Chelsea being in the Chair), the House recessed until twenty-five minutes after six o’clock A.M.; and at that time the House was called to order with Mr. Voke in the Chair.

Mrs. Menard of Somerset then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 379. Notwithstanding any general or special law to the contrary, any insurance company conducting business in the Commonwealth that provides health care coverage shall provide payment to those individuals licensed under 243CMR 5.00 Sections one through ten for services which said insurance company provides payment to other licensed health care professionals. The services so covered shall include but not be limited to those services numbered 97118, 97014 and 97124 as listed in the fourth edition of the current procedural terminology.”.

The amendment was rejected.

There being no objection, — Ms. Gardner of Holliston and other members of the House moved that the bill be amended by striking out section 26 and inserting in place thereof the following section:
SECTION 26. Any public school district which admits children under the provisions of section 12B of Chapter 76 of the General Laws, as amended by section 23 of chapter 6 of the acts of nineteen hundred ninety-one will receive sixty-five percent of its average per pupil costs to be determined by the Department of Education and deducted in the following way: year one, forty percent of the average per pupil cost will be paid by the state and twenty-five percent of the average cost will be deducted from the sending community; year two, fifteen percent of the average per pupil cost will be paid by the state and fifty percent will be deducted from the sending community; year three and every subsequent year, sixty-five percent of the average cost will be deducted from the sending community.

In cases where the school committee of the municipality in which the student resides and the school committee of the municipality where the student attends school have agreed upon a regional cooperation plan, and where the commissioner of education has duly approved this plan, the receiving community will receive an additional ten percent of its total average per pupil cost annually from the state.

A regional cooperation plan must be approved by the commissioner of education and include, but not be limited to the following: a plan to share information relative to educational performance and planning, to share purchasing and planning, supplies, equipment or services, to allow cross-registration of students in various programs, to permit the sharing of teachers and other staff, or to participate in other joint activities as the commissioner of education may deem appropriate to enhance the quality of education for the children of the participating municipalities. Municipalities seeking to enact a regional cooperation plan shall submit said plan to the commissioner of education for review and approval. Regional cooperation plans may include two or more municipalities.

Notwithstanding the provisions of section twelve B, or any other general or special law to the contrary, any child accepted to attend a public school in a community other than the one in which he resides may remain in that school system until the point of high school graduation regardless of any changes that may occur in the decision of the municipality to participate in this program.

Beginning in September of 1992, the host municipality shall provide transportation from its borders or from appropriate transportation entry points within its borders, to non-resident students attending school in said municipality under the school choice program, so called. Further, the Commissioner of Education shall study the feasibility of providing transportation and make its findings known to the Joint Committee on Education, Arts and Humanities by December 31, 1992. The study should detail but not be limited to the following issues: transportation within the host community and between the sending and host communities, parental reimbursement, the utilization of public transportation, and mileage requirements.
There shall be a parent information system established, maintained and developed by the Commissioner of Education to disseminate to parents detailed and comparable information about each school system participating in the school choice program, so called, which shall include, but not be limited to, information on special programs offered by the school, philosophy of the school, number of spaces available, transportation plans, class sizes, teacher/student ratios, and data and information on school performance that indicate its quality. The Commissioner of Education, when disseminating this information shall encourage the parent and the student to make at least one on-site visit to the school of choice as part of the application procedure.

The Commissioner of Education shall set specific dates for the following: (1) date by which the school committee must vote to participate in the school choice program, so called; (2) date by which the school committee shall publish the number of available slots; (3) date by which application procedures shall be published; (4) date by which applicants shall be informed of their acceptance or rejection; (5) date by which the host community shall inform the sending community of the names of student transfers; and (6) any other decisions that the commissioner of education shall deem appropriate to insure sound budgetary and financial planning at both the local and state levels.

Notwithstanding the provisions of this chapter, or any other general or special law to the contrary, any child may attend on a private tuition basis the public school in a town where he does not reside upon such terms as the school committee of such town where he does not reside shall fix; provided however, that such tuition shall not exceed sixty-five percent of the average per pupil cost in a community without an approved regional cooperation plan, and the tuition shall not exceed seventy-five percent of the average per pupil cost in those communities with an approved regional cooperation plan; provided further that said school committee must have accepted students on a private tuition basis on or before June 30, 1991 to be eligible to accept private tuition student under this section. Said community cannot accept a greater number of students than were privately paying tuition on or before June 30, 1991.

For the purposes of implementing this section, there shall be an amount allocated in item 7010-0080 of $3,070,000.00."

The amendment was adopted.

There being no objection, — Representatives Gray of Framingham and Menard of Somerset moved that the bill be amended in section 2 by striking out, in item 4099-1510, the figures "12,486,790" and inserting in place thereof the figures "10,486,790"; by striking out, in item 4800-0018, the figures "4,904,176" and inserting in place thereof the figures "6,904,176"; and by adding at the end of said item the words "; provided, that not less than one million five hundred thousand dollars be expended for a unified emergency response system for battered women and at-risk children".

The amendments were adopted.
Mr. Finneran of Boston then moved that the bill be amended in section 81 by striking out, in line 5, the words "free care of gross charges" and inserting in place thereof the words "free care to gross charges"; and the amendment was adopted.

There being no objection,—Messrs. Hawke of Gardner and Brewer of Barre moved that the bill be amended in section 2, in item 7509-0100, by striking out, in lines 2 and 3, the words "including not more than one hundred and forty-nine positions" and inserting in place thereof the words "including not more than one hundred and ninety-five positions".

The amendment was adopted.

There being no objection,—Messrs. Tarr of Gloucester, Palumbo of Newbury, Cabral of New Bedford, Koczera of New Bedford, Gonsalves of Dartmouth and Hynes of Marshfield moved that the bill be amended by adding at the end thereof the following section:

"SECTION 379. There shall be established a fund known as the Commonwealth Marine Contamination Compensation fund, to be administered by the Department of Public Health. The fund shall be constructed so as to be eligible for the receipt of funds from the United States government and any subdivision thereof, and from any other source which is now in existence or may come into existence. The Commonwealth shall provide initial funding of $100,000 in fiscal year 1993, and any funding in subsequent years shall be subject to appropriation.

The purpose of said fund shall be to compensate Massachusetts' fishermen for any harvest of fish which is contaminated by hazardous materials and therefore unfit for human consumption. Such determination of contamination shall be made by the Department of Public Health, acting in conjunction with the local health agent of the city or town wherein the catch of the involved vessel is first brought into port. Said Department shall make a reasonable disbursement from said fund to the owner(s) of a vessel which harvests contaminated fish."

The amendment was rejected.

There being no objection,—Representatives Cahir of Bourne and Hildt of Amesbury moved that the bill be amended in section 2 by striking out, in item 5046-2000, the figures "20,764,752" and inserting in place thereof the figures "24,364,036".

The amendment was rejected.

Mr. Cahir then moved that the bill be amended by striking out section 83 and inserting in place thereof the following section:

"SECTION 83. Section 36 of chapter 6A, as most recently amended by section 5 of chapter 495 of the acts of 1991, is hereby further amended by striking out the first paragraph, and inserting in place thereof, the following paragraph: —

Notwithstanding the provisions of any general or special law to the contrary, any person, corporation or other party aggrieved by an interim rate or a final rate established by the commission, or by failure of the commission to set a rate or take other action required
by law and desiring a review thereof shall, within thirty days after
said rate is filed with the state secretary or may, at any time, if there
is a failure to determine a rate or take any action required by law,
file an appeal with the division of administrative law appeals
established by section four H of chapter seven. Any appeal filed
under this section shall be accompanied by a certified statement that
said appeal is not interposed for delay. In any appeal of any matter
arising under section thirty-one through seventy-seven of chapter
six A, as amended by sections one through four, inclusive, and
sections 6 through 11, inclusive, of chapter 495 of the acts of
nineteen hundred and ninety-one, under sections one through three,
inclusive, six, and nine through fourteen, inclusive, of chapter six B,
and, where applicable, under section four A of chapter one hundred
and eighteen E, effective upon enactment of this section, the
question before the division of administrative law appeals shall be
whether the rate setting commission, in taking the action challenged
by the aggrieved party, has properly applied its regulations. If the
division determines that the commission calculated the provider's
rate, or took other action required by law, in conformity with its
own regulations, then the division shall enter a finding that such rate
was reasonable and adequate to meet the costs which must be
incurred by an efficiently and economically operated facility in order
to provide care and services in conformity with applicable state and
federal law, regulations and quality standards or, where applicable,
that the challenged action was in accordance with law. The aggrieved
party shall not be permitted to introduce into the record of such
an appeal evidence which reasonably could have been presented to
the commission at the time the commission took the challenged
action, but which was not presented for commission review at such
time. This section shall not be construed to confer a right upon any
aggrieved party to challenge, in a proceeding before the division,
the procedural or substantive validity of any regulation of general
applicability promulgated by the commission. Such challenges shall
be brought exclusively in the superior court of the commonwealth
in accordance with the provisions of chapter thirty A. This section
shall not be construed to modify, replace or supplement the appeals
provisions set forth in section five of chapter one hundred and
seventy-six A. The standards of review set forth in this section shall
be applied in the resolution of all appeals pending before the division
on or after the date of enactment of this section.”.

The amendment was rejected.

There being no objection, — Messrs. DeLeo of Winthrop,
Mariano of Quincy, Tobin of Quincy and Morrissey of Quincy
moved that the bill be amended by adding at the end thereof the
following section:

“SECTION 379. The MWRA shall give job preference to
Winthrop residents for construction and operation of any and all
facilities located at Deer Island and to Quincy residents for
construction and operation of any and all facilities located at Nut
Island and the parcel known as the Quincy Ship Yard.”.

The amendment was adopted.
Mr. Roosevelt of Boston then moved that the bill be amended in section 2 by inserting after item 7005-0001 the following item:

"7005-0002 For the Mass Education On-Line network, a statewide system of technology linkages for all school districts and campuses .................. 6,623,706."

The amendment was rejected.

There being no objection, — Messrs. Constantino of Clinton and Kollios of Millbury moved that the bill be amended by adding at the end thereof the following three sections:

"SECTION 380. All the rights, powers, duties and obligations of section eleven of chapter sixty-nine of the General Laws, as appearing in the 1988 Official Edition, are hereby repealed; provided however, that the Department of Education shall retain jurisdiction over those educational programs for adult and child refugees and immigrants that are under the control and supervision of local education agencies or are funded in whole or in part by grants awarded by the Board of Education.

SECTION 381. Chapter 6A is amended by inserting in section 16 at the end of the first paragraph before the period 'and the Office of Refugees and Immigrants and Governor's Advisory Council for Refugees and Immigrants established in sections 205 and 208 of Chapter 6.'

SECTION 382. Chapter 6 of the General Laws is hereby amended by adding after section 204 under the caption 'Office for Refugees and Immigrants' the following sections: —

Section 205. There is hereby established an office for refugees and immigrants under the exclusive supervision and control of a director who shall be appointed by the secretary of health and human services with the approval of the Governor.

The purpose of the office is to promote the full participation of refugees and immigrants as self-sufficient individuals and families in the economic, cultural, social and civil life of the Commonwealth.

Section 206. The director shall be the state refugee coordinator pursuant to the federal Refugee Act of 1980 (P.L. 96-212, March 17, 1980), as it may be amended or succeeded. He or she shall also be the single point of contact responsible for the administration of programs and services pursuant to the federal Immigration Reform and Control Act of 1986 (P.L. 99-603, November 6, 1986), as it may be amended or succeeded.

The position of director shall be classified in accordance with section forty-five of chapter thirty, and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The director shall devote full time during business hours to the duties of the office. The director shall be authorized, subject to appropriation, to appoint and may remove such assistant directors and such other employees and consultants as may be necessary to perform the functions of the office set forth in section two hundred seven. The provisions of chapter thirty-one shall not apply to the director, to such assistant directors as the director may appoint, or to such supervisory positions as the director may create.
Section 207. The office shall have the following powers:

(a) to plan, coordinate, monitor, and/or administer programs that provide transitional assistance to refugees and/or immigrants and that lead to durable self-sufficiency;

(b) to encourage in refugees and immigrants an understanding of American government and institutions and the rights and responsibilities of residents and citizens and to encourage those who wish to remain in the United States to become citizens;

(c) to coordinate the Commonwealth's policies and programs for refugees and immigrants including those administered by other state agencies;

(d) to promote the accessibility of public services to refugees and immigrants, recognizing that otherwise eligible residents of the Commonwealth may not be denied services solely on the basis of citizenship, national origin, alienage, or immigration status unless required by statute, court decision or federal regulation;

(e) to ascertain the needs of local communities with significant populations of refugees and immigrants and to work with local officials and community-based organizations to address those needs;

(f) to increase the availability and utilization of qualified interpreter services;

(g) to promulgate, pursuant to the provisions of chapter thirty A, rules and regulations;

(h) to enter into agreements or contracts with other public or private agencies or units of local, county or state government for the delivery and/or coordination of services to refugees and immigrants or for other of its purposes; provided, however, that no responsibility of the department of public welfare under Chapter 118 or 118E of the General Laws shall be transferred to the office;

(i) to receive and administer federal monies given to the Commonwealth for services to refugees and/or immigrants; provided, however, that other state agencies also may receive and administer federal monies for such purposes within their jurisdictions; provided, further, that state funds shall not be used by the office to supplement federal funding if such funding is withdrawn;

(j) to seek and receive grants or donations from private sources to carry out any of the office's functions and purposes;

(k) to impose reasonable charges for any services rendered or materials furnished; and

(l) to perform such other functions that are consistent with the purpose of the office.

Section 208. There is hereby established a Council, known as the Governor's Advisory Council for Refugees and Immigrants, to consist of not less than fifteen members and not more than thirty members who shall serve without compensation. The members of the Council shall be appointed by the Governor for a one-year period.

The membership of the Council shall consist of persons who live in the Commonwealth and shall include refugees, immigrants and
other interested individuals. From the membership, the Governor shall designate a chairperson for a one-year term.

In addition, the following shall also serve as members of the Council, ex-officio: the Attorney General of the Commonwealth; the secretaries of the executive offices of health and human services, public safety and communities and development; the commissioners of the departments of education, public welfare, public health, mental health, social services, office for children, and employment and training; and representatives from such other secretariats or agencies as the Governor, the secretary of health and human services, the director of the office for refugees and immigrants, or the Council may request. These ex-officio members may be represented by designees.

The functions of the Council shall include but not be limited to:

(a) advising the Governor on policy, planning and priorities for refugees and immigrants in the Commonwealth;

(b) assisting the director of the office for refugees and immigrants in coordinating the efforts of all public agencies concerned with services to refugees and immigrants and in promoting the accessibility of all state services;

(c) increasing communication, mutual understanding and willingness to cooperate among community groups and organizations that serve refugees and immigrants; and

(d) increasing public understanding of the needs and contributions of refugees and immigrants.

The Council shall meet at least six times per year.”.

The amendment was rejected.

There being no objection, — Mr. Fitzgerald of Boston moved that the bill be amended in section 2, in item 5047-5000, by striking out, in line 2, the word “sixty-eight” (inserted by amendment) and inserting in place thereof the word “seventy-three”.

The amendment was rejected. Subsequently Mr. Fitzgerald of Boston moved that this vote be reconsidered; and the motion to reconsider prevailed. On the recurring question, the amendment was adopted.

There being no objection, — Representatives Hodgkins of Lee and Buell of Greenfield moved that the bill be amended by inserting after section 70 the following section:

“SECTION 70A. Notwithstanding the provisions of any general or special law, rule, regulation or order to the contrary, the department of public utilities shall fix and establish the rates and charges charged by the Western Massachusetts Electric Company for the period commencing on May first, nineteen hundred and ninety-two and ending on May first, nineteen hundred and ninety-four at the same rates and charges charged by said company on April thirtieth, nineteen hundred and ninety-two.”.

The amendment was adopted.

Ms. Gardner of Holliston then moved that the bill be amended by inserting after section 146 the following section:

“SECTION 146A. Said chapter 21E is hereby further amended by inserting after the first paragraph of Section 14 the following:
(b) Subject to appropriation, the department may provide for limited grants to be given to any group of individuals who may be affected by oil or hazardous materials from any site, or to any city or town or agency thereof that might be affected by oil or hazardous materials from any site, or to any district or other body politic that owns or operates a public water supply system that might be affected by oil or hazardous materials from any site. Any recipient of such a grant shall use it to obtain advice and technical assistance on matters relating to handling of sites pursuant to the provisions of this chapter. The department shall have in effect at all times regulations, which the department may amend or revise from time to time, specifying terms and conditions of eligibility for and use of such grant.

(c) The chief municipal officer of a city or town in which a site is located may appoint from members of the potentially affected public an individual, or individuals, to inspect the site on behalf of the community. Such individual or individuals shall be given reasonable opportunities by the department and the site owner or operator, or a fiduciary or secured lender who has ownership or possession of the site, to inspect such site prior to, during, and after the implementation of major response actions, and may bring with them on such inspections experts on oil or hazardous materials releases or responses."

The amendment was adopted.

There being no objection, — Representatives Hildt of Amesbury, Evans of Wayland, Gray of Framingham and Draisen of Boston moved that the bill be amended in section 2 by adding at the end of item 4530-1000 the words "; and provided further that one hundred thousand dollars shall be expended for the administration of the office of violence prevention, including not more than two positions"; and by striking out, in said item, the figures "6,728,608" and inserting in place thereof the figures "6,828,608". The amendments were adopted.

There being no objection, — Messrs. Tarr of Gloucester and Palumbo of Newbury moved that the bill be amended by adding at the end thereof the following section:

"SECTION 380. The secretary of Administration and Finance is hereby authorized and directed to establish a program whereby a municipality within the Commonwealth may make application to the Division of Local Mandates for relief from any mandate either approved by the Commonwealth or administered by a political subdivision thereof. Said application shall be made only with local approval and shall in substantive terms express either 1.) the reasons that a mandate is inappropriate for the applicant municipality or 2.) that the goals and objectives of the mandate are being achieved in some fashion other than that prescribed by the mandate.

Upon certification by the division that either of said conditions have been met, the applicant shall be allowed to withdraw funding from said mandate. Said withdrawal shall be allowed only upon certification by the applicant that any program being conducted in
alternatively achieving the goals of the applicable mandate shall continue in its existence.

Nothing in this section shall be construed to change, alter, or interfere with the law commonly known as Proposition 2½.”.

After remarks the amendment was rejected.

Ms. Fox of Boston then moved that the bill be amended in section 2, in item 0321-1500, by striking out, in lines 7 to 10, inclusive, the words “; and provided further, that the committee for public counsel services shall consolidate office locations by June thirtieth, nineteen hundred and ninety-three so that no more than one location is leased in each county”.

The amendment was adopted.

Mr. Caron of Springfield then moved that the bill be amended in section 2 by inserting after item 8850-0001 the following item:

“8850-0015 For the purpose of funding the Motorcycle Safety Fund ........................................ 190,000”.

The amendment was adopted.

Mr. Forman of Plymouth then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 380. The Secretary of State, Treasurer, Auditor, Speaker of the House, or President of the Senate shall not cause his or her voice to be used in any television commercial or radio advertisement or announcement paid for by public funds, controlled by said official.”.

The amendment was adopted.

Mr. Forman then moved that the bill be amended in section 2 by striking out, in item 7070-0065, the figures “54,000,000” and inserting in place thereof the figures “44,000,000”; and by striking out, in item 7070-0067, the figures “9,000,000” and inserting in place thereof the figures “14,000,000”. The amendments were rejected.

Mr. Magnani of Framingham then moved that the bill be amended in section 2 by adding at the end of item 4401-1000 the following: “; provided further that the Secretary of Health and Human Services and the Welfare Commissioner plan and implement a pilot program to create Welfare Reinvestment Projects which create permanent employment opportunities for recipients of public assistance and which utilize department funds, job training funds, and public and private grants, and that no less than $500,000 be expended for said planning and implementation”.

The amendment was rejected.

Mr. Constantino of Clinton then moved that the bill be amended in section 2 by adding at the end of item 2420-1400 the words “provided, further, that not less than twenty thousand dollars shall be expended to provide lifeguards and security for the swimming area on Metropolitan District Commission property on Lancaster Mill Pond near the Wachusett Reservoir”.

The amendment was rejected.

Mr. Hall of Westford then moved that the bill be amended by adding at the end thereof the following section:
“SECTION 381. The department of highways is hereby authorized and directed to expend a sum of three hundred fifteen thousand dollars to install signals and make improvements to the intersection of Route 40, Groton Road and Tyngsboro Road in the town of Westford.”.

The amendment was rejected.

Mr. Bradford of Rochester then moved that the bill be amended in section 2, in item 4000-0210, by striking out, in lines 9 and 10, the words “; and provided further, that no funds shall be expended for ‘extended vouchers’, so called”.

The amendment was rejected.

Mr. Gannon of Boston then moved that the bill be amended by inserting after section 154B (inserted by amendment) the following section:

“SECTION 154C. The second paragraph of section 11 of chapter 22C of the General Laws, as amended by section 22 of chapter 412 of the acts of 1991 is hereby amended by inserting in line 5 after the word ‘member’ the words: — police officer or fire fighter.”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 381. Notwithstanding the provisions of any general or special law to the contrary, and for the purpose of promoting the public good, for purposes of computing benefits under chapter thirty-two of the General Laws payable to the surviving spouse and any other survivors or beneficiaries of Alfred P. Quirk, an employee of the division of banks of the commonwealth, said Alfred P. Quirk shall be deemed to have attained the age of sixty-two years immediately prior to his death.”.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended by striking out section 81 (as amended); and the amendment was adopted.

Ms. O'Brien of Easthampton then moved that the bill be amended by inserting after item 7010-0050 the following item:

“7010-0060 For reimbursement to the town of Easthampton for an asbestos project including removal and encapsulation, notwithstanding the failure of said town to timely file any required forms with the department of occupational hygiene; and provided that notwithstanding any general or special law to the contrary the department of occupational hygiene and the department of education shall accept the application of said town 93,488”.

The amendment was rejected.

There being no objection, — Messrs. Cruz of West Bridgewater, Coon of Andover and Tarr of Gloucester moved that the bill be amended by adding at the end thereof the following four sections:

“SECTION 382. Chapter 23B of the General Laws as appearing
in the 1988 Official Edition is hereby amended by adding at the end thereof the following new section: —

Section 29. This act shall be known and may be cited as the 'Enterprise Zone Act'.

(a) The General Court finds and declares that the health, safety and welfare of the people of this Commonwealth are dependent upon the continual encouragement, development, growth and expansion of the private sector within the Commonwealth; and there are sections of substantial poverty in the Commonwealth that need particular attention to help attract private sector investment. Therefore it is declared to be the purpose of this Act to stimulate business and industrial growth in sections of substantial poverty and to stimulate neighborhood revitalization of residential units in sections of substantial poverty of the Commonwealth by means of tax incentive in those areas.

(b) 'Department' means the Department of Communities and Development.

'Enterprise Zone' means an area declared by the Department to be eligible for the benefits of this act.

'Persons' means any individual, partnership, association, corporation, firm or club.

'Eligible section of substantial poverty' means a compact contiguous area within the jurisdiction or jurisdictions of a municipality(s) of the Commonwealth so designated by ordinance when any one or more of the following criteria exists in the designated area.

'Municipality(s)' means any city or town or cities or towns participating in this or applying to this program.

'Criteria' — (1) the annual average unemployment as derived from the most recently completed yearly average as determined by the Department of Employment Security, is at least one and one-half times the state average for the same period; (2) the poverty rate is 20% or more for each census tract as determined by the 1980 census; (3) at least 70% of the households have income below 80% of the median income of the households in the jurisdiction of the local government.

(c) The Department shall administer this Act and shall have the following powers and duties:

(1) To establish criteria for determining what areas qualify as Enterprise Zones, such criteria shall be the minimum required for implementation of the purposes of this act;

(2) To monitor the implementation and operation of this Act;

(3) To conduct a continuing evaluation program of Enterprise Zones;

(4) To assist municipalities in obtaining the suspension of federal legislation and regulations within Enterprise Zones;

(5) To submit reports evaluating the effectiveness of the program and any suggestions for legislation to the Governor and the General Court by March 1 of each year; and

(6) To promulgate necessary rules and regulations and prescribe procedures to effectuate the purposes of this Act.
(d) Any municipality(s) may designate by ordinance any area or areas within its jurisdiction as an eligible section of substantial poverty. Such municipality(s), if it first has obtained the consent of any municipality in which all or part of the designated area or areas are located, may then make written application to the Department to have such area or areas declared to be an Enterprise Zone.

Such application shall include a description of the location and area or areas in question including a map outlining the proposed section of substantial poverty and such other information as the Department may require.

(e) Upon receipt of an application, the Department shall begin proceedings to conduct public hearings in a centralized location within the proposed zone on the question of whether the area proposed to be an Enterprise Zone should be so designated. Said proceedings and hearings shall be in compliance with chapter 30A.

After the conclusion of the public hearing, the Department shall commence negotiations for an agreement with the municipality(s) filing the application. Such negotiated agreement shall designate the Enterprise Zone.

The Department shall complete the negotiations and the agreement within 120 days of the conclusion of the public hearing. If an agreement is not completed within the stated time period, the Department shall provide the applicant with the specific areas of concern and a final proposal for the agreement. If the agreement is not signed within 30 days of the receipt by the applicant of the final proposal, the application shall be considered denied. If the application is denied, the Department shall inform the municipality(s) of the specific reasons for denial.

In no instance shall the Department designate more than six Enterprise Zones. In no instance shall an Enterprise Zone be so designated for a period of more than ten years, provided, however, that the municipality(s) in which the Enterprise Zone is located and the department may review the designation of the area as an Enterprise Zone and renew said designation for a period not to exceed ten years.

(f) All state and local laws regarding zoning, licensing, rent control and price control may be suspended or adjusted by the appropriate body within an area declared by the Department to be an Enterprise Zone by the municipality(s) which have applied to have such area declared an Enterprise Zone, except laws which protect the public health, public safety, environment and buildings or land of historic value.

Programs mandated by the federal government shall be operated at the minimum level required to comply with the federal mandate.

(g) A person who invests cash into a designated Enterprise Zone company with the expectation that they can only receive dividend payments from retained earnings of the company and payment of such must be in relation to the equity investment of the investor, may deduct the net amount of his/her investment from their personal income taxes. The net amount deductible is equal to the
total amount invested less any dividends received before the end of the calendar year.

(h) Eligible organizations will only be billed at 75% of the lowest rate of unemployment insurance.

(i) Eligible organizations will be exempt from paying sales tax on items purchased that are necessary to conduct normal business.

(j) Financial institutions may deduct 50% of interest earned on loans made to eligible organizations.

(k) Municipality(s) are encouraged to hire marketing professionals and financing professionals. The incumbents of these positions will be charged with originating sources of sales for eligible organizations, and sources of financial income respectively, percentage share between the municipality(s) and the eligible organization. In no case will there be any state support or underwriting in this area.

For purposes of this section a year begins from the date of acquisition of property in the Enterprise Zone or the date the area is declared to be an Enterprise Zone, whichever is later.

(l) A business facility shall become an eligible business facility for the purposes of this chapter if it creates or retains in the eligible section of substantial poverty in which it is located at least thirty percent of its employees. Any business facility located in or moving into the Enterprise Zone may apply for a waiver of this condition. Such waiver may be granted by the Department after considering the size and type of business facility, the skills of the residents, the employment needs of the business facility, the length of time and amount of training required to train the residents to staff the facility, and any other information the Department considers pertinent. If a business facility is granted a waiver of the condition of 30% resident employees, they shall maintain at least a 20% level of resident employees.

SECTION 383. Chapter 63 of the General Laws as appearing in the 1988 Official Edition is hereby amended by inserting after section 38F the following new section: —

Section 38FF. In determining the net income subject to tax under this chapter, a domestic or foreign business corporation may deduct, in addition to any other allowable deduction under this chapter, an amount equal to fifty percent of the differential between compensation paid during the current taxable year to individuals domiciled in an eligible section of substantial poverty as defined by this act and employed in an eligible business facility, and the compensation paid in the most recent taxable year to individuals domiciled in an eligible section of substantial poverty and employed in an eligible business facility.

SECTION 384. Chapter 63 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after section 38K, the following new sections: —

Section 38L. Eligible business facility, loss carryover.

A domestic or foreign business corporation operating an eligible business facility as defined by this act, may deduct losses made
the course of its eligibility at any time during the ten years following the loss.

Section 38M. Eligible business, employment tax credit.

A domestic or foreign corporation operating an eligible business facility as defined by this act, may take a tax credit against the income applicable for all employees who are residents of an eligible section of substantial poverty in an amount as hereinafter provided. The amount of the tax credit shall be an amount equal to five percent of income up to and including the first $9000 the residents earn at the facility.

Section 38N. Eligible business facility; employment training programs.

The Department of Communities and Development shall create an employment training benefits voucher program for eligible businesses in sections of substantial poverty. Said voucher shall state that the holder of the voucher is eligible for those training and benefit programs approved by urban job incentive bureau, as established by sections eleven through fifteen of chapter twenty-three B of the General Laws.

Section 38O. Notwithstanding the provisions of subsection (a) of section thirty-one A of chapter sixty-three of the General Laws, the credit allowed by said section shall be three percent for eligible businesses in sections of substantial poverty as defined by this act, provided that any corporation claiming such credit shall furnish such information relative to job opportunities created by the investment, for which the credit is allowed, as is required by the commissioner of corporations and taxation, in a form approved by the state tax commissioner.

Section 38P. Eligible business facility; tax credit eligible employees.

A domestic or foreign business corporation operating an eligible business facility, as defined by this act, may receive a tax credit of $400 for hiring residents of an eligible section of substantial poverty who are twenty-four years of age or less.

Section 38Q. Eligible business, charitable contributions.

A domestic or foreign corporation operating an eligible business facility, as defined by this act, at its election may deduct 125% of all qualified contributions to charitable corporations as defined by section eighteen of chapter sixty-eight of the General Laws.

Section 38R. Eligible business, educational contribution.

A domestic or foreign business corporation operating an eligible business facility, as defined by this act, may deduct an amount equal to twenty-five percent for contributions of tangible personal property providing general educational benefits to an education organization, public or private, within the eligible section of substantial poverty which maintains a regular faculty and curriculum, and normally has a regularly enrolled body of pupils or students in attendance of the place where its educational activities are regularly carried on, including elementary, secondary, and post secondary institutions located in the Commonwealth.
SECTION 385. An eligible business may only take one set of benefits, either those listed in Section 1 subsections (g) through (i) or Section 2 Sections 38L through 38Q, those businesses electing the second option may also negotiate real estate tax benefits with the municipality. Regardless of selection any eligible business may also elect to take the benefits in Section 3 and Section 38R.

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. Cruz; and on the roll call 40 members voted in the affirmative and 109 in the negative.

[See Yea and Nay No. 178 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Representatives Owens-Hicks of Boston, Kerans of Danvers, Tracy of Boston, Rushing of Boston, Fox of Boston and Resor of Acton moved that the bill be amended in section 2, in item 4403-2000, by inserting after the word "standard;", in line 4, the words "provided further that the department shall, no later than September first, nineteen hundred and ninety-two, seek a federal waiver to allow an additional disregard from earnings equal to one-third of the payment standard for recipients of assistance under this line item, and shall implement such waiver if approved;".

The amendment was adopted.

Mr. Bradford of Rochester then moved that the bill be amended in section 2, in item 4000-0210, by striking out, in lines 9 and 10, the words "that no funds shall be expended for 'extended vouchers', so called" and inserting in place thereof the words "not less than ten million dollars shall be expended for vouchered day care for income eligible people".

The amendment was rejected.

The same member then moved that the bill be amended in section 2A by adding at the end of item 4407-9070 the words "; provided that no funds shall be expended to provide or supplement contracted day care, so called".

The amendment was rejected.

Mr. Bradford then moved that the bill be amended in section 2A by adding at the end of item 4000-0702 the words "; provided that no funds shall be expended to provide or supplement contracted day care, so called".

The amendment was rejected.

Mr. Walsh of Agawam then moved that the bill be amended in section 2 by striking out, in item 0340-0535, the figures "103,296" and inserting in place thereof the figures "113,961".

The amendment was rejected.

There being no objection, — Messrs. Healy of Charlemont and Cahir of Bourne then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 382. Chapter 21A of the General Laws is hereby amended by adding the following new section:

Section 18A. (a) as used in the following words shall, unless the context otherwise requires, have the following meanings:
General Appropriation Bill.

'Advisory Committee', the advisory committee on administration of the federal safe drinking water assessment.

'Act', the federal safe drinking water act, as amended from time to time, including regulations promulgated under the act.

'Assessment', the federal safe drinking water act assessment established by this section.

'Commissioner', the commission of the department of environmental protection.

'Department', the department of environmental protection.

'End suppliers', suppliers of water who provide water directly to users.

'Receipts', monies received by the department which are proceeds from the assessment.

'Suppliers of water', suppliers of water as defined in the act.

'Users', all consumers of water, whether public or private or taxed or tax-exempt, provided by end suppliers.

'Withdrawal', the withdrawal, purchase or pumping of water by an end supplier.

(b) Notwithstanding any general or special law to the contrary, the department is authorized and directed to establish a federal safe drinking water act assessment to assist the department in providing technical compliance assistance to and otherwise to regulate all suppliers of water pursuant to the act in the manner set forth in this section. Collection of the assessment may begin on or after July 1, 1993. Matters relating to the rate, collection, cost, enforcement and application and other administrative features of the assessment shall be in accordance with regulations of the department adopted pursuant to section two of Chapter 30A of the General Laws but no later than one hundred eighty days after the effective date of this section, after consultation with the advisory committee. Such regulations, in addition to such further matters reasonably incidental to the administration of the assessment as may be determined by the department, shall:

(i) provide that the assessment shall be remitted to the department by the end supplier;

(ii) set, and provide for periodic revision of, the rate of assessment at a uniform level not to exceed one cent per 1000 gallons of withdrawal, such that receipts in the aggregate are reasonably related to defraying the department's direct and indirect costs for monitoring, inspection, technical assistance, reporting and enforcement activities necessary to ensure compliance with the act and any regulations of the department adopted to implement the act;

(iii) establish the timing of assessments, collection and remittance;

(iv) establish the manner in which end suppliers engaged in the distribution of water shall apportion and collect amounts necessary to defray the assessment, and their administrative costs relating thereto up to but no more than five percent of the outstanding assessment for all users for the applicable assessment period in the aggregate, from users without further action of the department of
public utilities, provided that each end supplier shall have the option of determining how its invoice to users shall show such defraying amounts and the frequency of invoicing.

(v) establish reasonable mechanisms for collection and enforcement including but not limited to:
(A) the imposition of penalties not to exceed $5,000 per day for failure of end suppliers to remit proper receipts to the department,
(B) the setting of a reasonable rate of interest, which shall not be exclusive of applicable penalties, if any, to be borne by the end supplier on overdue remittances,
(C) the establishment of reasonable audit and reporting procedures; and
(vi) establish a program providing for payments in lieu of assessments for any end supplier which cannot meter its withdrawal to the satisfaction of the department, until satisfactory metering has been installed.

It is the intent of this section that amounts payable as assessments, administrative costs and payments in lieu of assessments shall be recovered to the maximum practical extent from charges to users. Nothing in this section shall limit the authority of the department of public utilities to rule on the propriety of any rates charged by any end suppliers subject to its jurisdiction; provided that in making such a ruling the department of public utilities shall consider the amount of the assessment and, provided further, that such ruling shall not impose any condition inconsistent with the provisions or intent of this section of any regulations adopted hereunder. Compliance with any requirement imposed by the department of public utilities shall not exempt any end supplier from the requirements of this section or regulations adopted hereunder. The department of public utilities shall monitor the manner in which investor-owned end suppliers engaged in the distribution of water apportion and collect amounts necessary to defray the assessment and applicable administrative costs.

(vii) The department shall establish the assessment rate by October 1 of each year for the following fiscal year. End suppliers shall be notified by mail of the assessment rate by November 1 of each year. The department may mail bills to end suppliers during the month of July of each year for that fiscal year.

(c) All receipts shall be deposited in the Environmental Permitting and Compliance Assurance Fund established pursuant to section two M of Chapter 29, and used solely for the purposes set forth therein, provided, however, that receipts shall be separately accounted for and shall be used solely for administering the act and furthering its purposes. Any unexpended balance may be used to defray the amount of the assessment in future fiscal years. Regulations establishing the assessment pursuant to this section shall not be in effect in any fiscal year in which the department fails to provide from state funds, other than those collected under the terms of this section, a match of seventy-five percent of the amount of the federal grant attributable to the implementation of the act.
General Appropriation Bill.

(d) In the event that the requirements of this section conflict with applicable federal requirements pertaining to the establishment and collection of the assessment by the department, such federal requirements shall take precedence over any conflicting requirements of this section and the department shall have the authority to establish by regulation and to collect such assessment in accordance with applicable federal requirements.

(e) The department shall establish an advisory committee on administration of the federal safe drinking water assessment. The representative organizations may nominate persons for consideration and the commissioner shall appoint such persons to the advisory committee as deemed desirable in accordance with this section, which members shall serve until successors shall be appointed and qualified by the commissioner. No state employee shall be appointed to the advisory committee and no person appointed to the advisory committee shall be deemed to be a state employee for purposes of any other general or special law. Members of the advisory committee shall serve without compensation except for reimbursement of their direct expenses of travel from their place of abode to the regular meetings of the advisory committee. The commissioner's appointees shall include two representatives from each of the following categories of organizations, two of which such designated representatives who are water utility personnel shall serve, under the same terms and conditions as members of the committee established pursuant to Section 18 Chapter 21A of the General Laws: statewide water works non-profit associations, regional water works non-profit associations, non-profit associations representing rural water systems, county water works associations, non-profit associations representing investor-owned water companies, statewide environmental organizations, organizations representing small businesses, the Massachusetts Municipal Association and up to three other persons as the commissioner deems desirable. The total membership of the committee shall not exceed nineteen, a majority of which shall be comprised of water utility personnel. In addition to consulting with the advisory committee prior to adoption of regulations implementing this section, the department shall review with the advisory committee the operation of the assessment program authorized by this section at least quarterly.

(f) The committee and the department shall undertake the additional responsibility to ensure that regular public service announcements are released to inform the public as to the requirements and costs associated with the act. The committee, with administrative support from the department, shall produce an annual report on the assessment program for the Massachusetts General Court, with a summary of all findings and/or action taken mailed to all end suppliers.

(g) The Department shall not collect water supply annual compliance assurance fees as established in 310 CMR 4.03 in the categories of non-community supplier; non-transient, non-community supplier; very small community supplier; and small community supplier.”. The amendment was rejected.
Mr. Thompson of Cambridge then moved that the bill be amended by inserting after section 157 the following section:

"SECTION 157 A. Section 1 of Chapter 32 is amended by adding after the definition of 'Pension Reserve Fund' the following definition:

'Person', any individual, partnership, joint venture, corporation, trust, estate or organization of members of a retirement system."

The amendment was rejected.

Mr. O'Sullivan of Worcester then moved that the bill be amended in section 2 by adding at the end of item 7000-9420 (as amended) the words "; provided that not less than twelve million, nine hundred eighty-six thousand, seven hundred and seventy-one dollars be distributed to the regional public library systems; and provided further, that notwithstanding the provisions of section 19C of Chapter seventy-eight of the General Laws or any general or specific law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research materials for the commonwealth, be paid from the sum earmarked for regional public libraries an amount equal to eighty cents per resident in the commonwealth"; and by striking out, in said item, the figures "16,187,232" and inserting in place thereof the figures "18,647,550".

The amendments were rejected.

Mr. Teague of Yarmouth then moved that the bill be amended in section 20 by adding at the end thereof the following sentence: "The provisions of this section shall not apply to contracts with providers participating in the Medical Assistance program authorized under chapter one hundred eighteen E of the General Laws.".

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out, in item 8350-0054 (as printed), the number "8350-0054" and inserting in place thereof the number "8400-0054".

The amendment was adopted.

There being no objection, — Messrs. Finneran of Boston and Karol of Attleboro moved that the bill be amended in section 2, in item 6000-1000, by striking out, in lines 16, 17 and 18, the words "and twenty-seven million five hundred thousand dollars shall be expended from this item in Suffolk county" and inserting in place thereof the words "seventeen million five hundred thousand dollars shall be expended from this item in Suffolk county; and, ten million dollars shall be expended by the metropolitan district commission for construction projects on commission roadways and bridges in Suffolk county".

The amendment was adopted.

There being no objection, — Mr. Finneran then moved that the bill be amended in section 2 by striking out, in item 0511-0000, the figures "5,398,957" (inserted by amendment) and inserting in place thereof the figures "5,628,957"; and by striking out, in item 0521-0000, the figures "3,330,007" and inserting in place thereof the figures "3,030,007".

The amendments were adopted.
There being no objection, — Representatives Gardner of Holliston and McIntyre of New Bedford then moved that the bill be amended in section 2 by striking out, in item 4530-7000, the figures “7,355,639” and inserting in place thereof the figures “8,355,639”.

The amendment was adopted.

Mr. Rohan of Holyoke then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 382. Section 34A of Chapter 235 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word ‘foregoing’ in line 5 the words: — or in any Keough Plan, Simplified Employee Plan, or Individual Retirement Account.

SECTION 383. Section 28 of Chapter 246 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by deleting in line 13 the words ‘Act of 1974,’ and inserting the words: — Act of 1974, or maintained by any individual as a Keough Plan, Simplified Employee Plan or Individual Retirement Account.”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 384. Chapter 262 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking section thirty-nine and inserting in place thereof the following section:

Section 39. The fees payable under chapter one hundred and eighty-five shall be as follows:

For the entry of every original petition or writ and transmitting it to the recorder, when filed with an assistant recorder, one hundred dollars.

For every plan filed in an original proceeding, fifty dollars, and for every new plan filed after original registration, or for making a new plan filed under an original registration, or for making a new plan on request of a registered owner, thirty dollars, plus five dollars for each lot shown on said plan.

The filing fee in the registry of deeds upon receipt from the recorder of the land court department of a plan or copy of a plan shall be twenty dollars.

For indexing an instrument recorded while a petition for registration is pending, five dollars.

For examining title, on a petition to register land, or on a petition to register easements or rights in land, the actual amount charged or allowed therefor to the examiner by the court.

For each notice by mail, three dollars plus the actual cost of printing.

For all services by a sheriff or deputy sheriff under provisions of chapter one hundred and eighty-five, the same fees as are provided by law for like services.

For each notice by publication, three dollars plus actual cost of publication.
For entry of an order dismissing a petition for registration of title, or for foreclosure of a tax title, or a decree of foreclosure of a tax title or of redemption, and sending a memorandum to the assistant recorder, twenty-five dollars.

For entry of a decree of registration and sending a memorandum to the assistant recorder, three-eighths of one per cent of the assessed value of the property registered, on the basis of the last assessment for municipal taxation, in addition to any sum payable under section ninety-nine of chapter one hundred and eighty-five, but in no one proceeding shall the amount payable under this paragraph be less than fifty nor more than two thousand dollars.

For the entry of an original certificate of title, including issue of one duplicate, fifty dollars.

For the entry of a new certificate of title, including issue of one duplicate, forty dollars.

For filing and registering an adverse claim, forty dollars.

For filing a sewer assessment, twenty dollars for each document and three dollars for each additional certificate affected.

For filing and registering a mortgage, thirty dollars.

For entering statement of change of residence or post office address, including endorsing and attesting it on a duplicate certificate, twenty dollars.

For entering any note in the entry book or in the registration book, twenty dollars.

For every petition after the original registration, forty dollars.

For a certified copy of any decree or registered instrument, the same fees as are provided for registers of deeds.

For the registration of all other instruments, whether single or in duplicate or triplicate, including entering, indexing and filing it and attesting to the registration thereof, and also making and attesting a copy of memorandum on one instrument or a duplicate certificate when required, except as otherwise provided, thirty dollars, and thirty dollars for the making and attesting of a copy of memorandum on each additional certificate and duplicate. For noting the registration of any instrument on each other certificate and duplicate in addition to the first certificate duplicate, thirty dollars.”.

The amendment was adopted.

There being no objection, — Messrs. Finneran of Boston and Brett of Boston moved that the bill be amended in section 2 by adding at the end of item 4600-1050 the following: “; and provided further, that not less than one hundred and eighty-five thousand dollars shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United State Public Health Service Act [42 USC 254c].”.

The amendment was adopted.

There being no objection, — Messrs. Kollios of Millbury and Decas of Wareham moved that the bill be amended in section 2 by adding at the end of item 5046-4000 the words “provided, that not less than sixty-four thousand dollars be expended for the services
of two full-time equivalent Orthodox chaplains”; and by striking out, in said item, the figures “111,577,221” and inserting in place thereof the figures “111,641,221”.

The amendments were adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 385. The secretary of communities and development is hereby authorized and directed to expend funds appropriated in item 3100-0200 of section two of this act to develop and implement a program of competitive municipal management grants designed to promote economy, efficiency and effectiveness in the delivery of local services by cities and towns. Such a program shall include but not be limited to, an emphasis on sound fiscal management, innovative programs, service cost savings, regionalization, privatization, shared services, collaborative purchasing and professional management including equipment and hardware; provided, that the program guidelines and selection criteria shall allow all thirteen of the commonwealth’s designated Regional Planning Agencies the right to directly apply for municipal incentive grants inasmuch as the composition of said agencies are, by definition, composed of local governments; provided further, that the secretary shall monitor the expenditure of grant funds by said agencies to ensure the compliance by each agency with its plan of activities and shall withdraw approval of any grant to a regional planning agency found to be in noncompliance with its plan of activities; provided further, that said grants may provide funding for feasibility studies, planning, personnel or project start-up costs, capacity building, program operation and information transfer; provided however, that nothing in these provisions shall prohibit an individual city or town from applying or competing for municipal incentive grants; provided further, that funds appropriated in said item may be provided in advance; and provided further, that the secretary is authorized and directed to expend funds appropriated in said item to develop, on or before December thirty-first, nineteen hundred and ninety-two, a demonstration program for measuring and reporting relative efficiency and productivity in the provision of core municipal services.”.

The amendment was adopted.

Mr. Manning of Milton then moved that the bill be amended by inserting after section 177A (inserted by amendment) the following section:

“SECTION 177B. Section 6 of Chapter 64H of the General Laws as appearing in the 1990 Official Edition is hereby amended by adding the following new paragraph:

(rr) sales of direct mail promotional advertising utilizing redeemable ad coupons which are disseminated by bulk mail.”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by inserting after section 100 the following two sections:

“SECTION 100A. Section 4 of chapter 12A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended
by inserting at the end of the second paragraph, the following sentence: ‘The inspector general may establish motor vehicle regulations for the officers and employees of the office of the inspector general and the provisions of section 36 of chapter 30 of the General Laws shall not apply to officers and employees within this office.”.

SECTION 100B. Section 5 of said chapter 12A, as so appearing, is hereby further amended by striking out the words ‘attorney general’ and inserting in place thereof the words ‘secretary of administration and finance’.”.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 386. The secretary of administration and finance is hereby authorized and directed to establish minimum training requirements and a training program on the provisions of state finance law, rules and regulations for all appointed officials, senior managers and fiscal officers of secretariats, departments, agencies, boards, commissions and entities under the control of said secretary. Said training shall include, but not be limited to, the communication of a comprehensive understanding of: the fiscal management requirements established by chapter twenty-nine of the General Laws; the criminal sanctions and penalties for violations of said chapter and related law; the fiscal management requirements established by the general appropriation act; and related fiscal management rules and regulations promulgated by the executive office of administration and finance, the office of the treasurer and receiver-general, the office of the state auditor and the office of the inspector general. Said training shall emphasize the conduct of sound financial practices and the performance of fiduciary responsibility as governed by such law, rules and regulations.

The training program established by this section shall be undertaken by such current officials and employees affected by this section not later than January first, nineteen hundred and ninety-three. The secretary shall certify to the house and senate committees on ways and means by January fifteenth, nineteen hundred and ninety-three the number and position of all such employees, by agency, who complete at least two hours of such training and shall submit at such time a copy of training materials developed for the purposes of said program. The secretary shall further certify by said date the establishment of permanent training requirements for all newly appointed and hired officials and employees. The secretary may utilize the services of the department of personnel administration and such other personnel and agencies as may be necessary to conduct such training.”.

The amendment was adopted.

Mr. Nagle of Northampton then moved that the bill be amended by adding at the end thereof the following four sections:

“SECTION 387. Section 7A of chapter 71 of the General Laws, as so appearing in the 1990 Official Edition, is hereby amended by
striking in lines 13-14 and 19-20 the words 'less than one and one-half miles' and inserting in place thereof the following: — less than two miles; and by inserting in line 30 after the word 'location,' the following new sentence: — Cities and towns shall be eligible for state reimbursement for school transportation provided to primary and secondary students who reside more than two miles from school. The reimbursement shall be based on a fixed amount per eligible primary and secondary rider. The per-rider payment for public riders shall not exceed 35% of the current state average cost per rider.

SECTION 388. Section 7B of chapter 71 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in lines 10, 12-13, 18, and 24-25 by striking the words 'more than one and one-half miles' and by inserting in place thereof the following: — more than two miles.

SECTION 389. Section 8A of chapter 74 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking in lines 4 through 6 the words ‘and subject to appropriation be entitled to state reimbursement to the extent of fifty percent of the amount so expended’ and inserting in place thereof the following: — and subject to appropriation be entitled to state reimbursement at a rate equivalent to Vocational Regional Technical Schools for the amount so expended.

SECTION 390. Said section 8A of chapter 74 is hereby further amended by striking in line 13 the words 'less than one and one-half miles' and by inserting in place thereof the following: — less than two miles.'

The amendment was adopted.

Mr. Rushing of Boston then moved that the bill be amended in section 2, in item 4402-4100, by inserting after the word “Services;”, in line 6, the words “provided further, that individuals and families, who have preexisting relationships with a primary care clinician (PCC) enrolled in the program; be allowed to maintain that relationship regardless of geographic location; provided however that no transportation will be provided to the clinician”; and in item 4402-4200 by inserting after the word “organizations;”, in line 6, the words “provided further, that individuals and families, who have preexisting relationships with a Health Maintenance Organization enrolled in the program, be allowed to maintain that relationship regardless of geographic location provided however, that no transportation will be provided to the HMO”.

The amendments were adopted.

Mr. Correia of Fall River then moved that the bill be amended by inserting after section 210 the following section:

"SECTION 210A. Chapter 175 of the General Laws is hereby amended by inserting after Section 47I the following section: —

Section 47J. The Commissioner of Insurance is hereby directed to produce a standardized form to be utilized by all health insurance companies licensed to do business in the Commonwealth for billing purposes.

Said form shall be made available to said companies no later than the twenty-eighth of September, nineteen hundred and ninety-two."
Section 2. Chapter 176A of the General Laws is hereby amended by inserting after Section 8L the following section:—

Section 8M. The Commissioner of Insurance is hereby directed to produce a standardized form to be utilized by all health insurance companies licensed to do business in the Commonwealth for billing purposes.

Said form shall be made available to said companies no later than the twenty-eighth of September, nineteen hundred and ninety-two.

Section 3. Chapter 176B of the General Laws is hereby amended by inserting after section 4L the following section:—

Section 4M. The Commissioner of Insurance is hereby directed to produce a standardized form to be utilized by all health insurance companies licensed to do business in the Commonwealth for billing purposes.

Said form shall be made available to said companies no later than the twenty-eighth of September, nineteen hundred and ninety-two.

Section 4. Section 4 of Chapter 176G of the General Laws is hereby amended by adding the following:

The Commissioner of Insurance is hereby directed to produce a standardized form to be utilized by all health insurance companies licensed to do business in the Commonwealth for billing purposes.

Said form shall be made available to said companies no later than the twenty-eighth of September, nineteen hundred and ninety-two.

Section 5. Chapter 176I of the General Laws is hereby amended by inserting after section 11 the following section:

The Commissioner of Insurance is hereby directed to produce a standardized form to be utilized by all health insurance companies licensed to do business in the Commonwealth for billing purposes.

Said form shall be made available to said companies no later than the twenty-eighth of September, nineteen hundred and ninety-two.

The amendment was adopted.

There being no objection, — Mr. Finneran of Boston and other members of the House moved that the bill be amended by adding at the end thereof the following section:

"SECTION 391. Chapter 7 of the General Laws is hereby amended by inserting after Section 23 the following section:—

Section 23½. Notwithstanding the provisions of sections twenty-two to twenty-three, inclusive, each agency, department, board, commission, public authority, and constitutional office of the commonwealth is hereby directed to achieve the award of at least ten percent of the total dollar value of construction contracts let by it in each fiscal year to minority business enterprises, and at least five percent of the total dollar value of contracts for supplies and equipment let by it and at least five percent of the total dollar value of contracts for services let by it in each fiscal year to minority business enterprises.

For the purpose of this section the words 'minority business enterprise' shall mean a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. For the purpose of this section the word 'minority' means
a person with permanent residence in the United States who is Black, Western Hemisphere Hispanic, Asian, Native American or American Indian, including Eskimos and Aleuts or Cape Verdeans. The secretary of administration and finance is hereby authorized and directed to promulgate regulations to require compliance with the provisions of this section and to establish a program of certification.”.

The amendment was adopted.

Mr. Kennedy of Brockton then moved that the bill be amended in section 2, in item 4402-4400, by striking out, in lines 9 to 17, inclusive, the following: “provided further, that patient centered rates described in section eighty-seven of chapter one hundred and fifty of the acts of nineteen hundred and ninety shall take effect no earlier than July first, nineteen hundred and ninety-three, or later, upon the effective date proposed by the Medicare program of a patient centered payment methodology for long term hospital services; provided further, that patient centered rates for chronic disease and rehabilitation services shall not be implemented prior to July 6 first, nineteen hundred and ninety-three;” and inserting in place thereof the following: “; provided further that no funds shall be expended by the department for patient centered rates of payment described in section eighty-seven of chapter one hundred and fifty of the acts of nineteen hundred and ninety by chronic and rehabilitation hospitals; provided further that no funds shall be expended by the department unless all rates of payment for chronic disease and rehabilitation hospitals’ 1993 fiscal year are established by the rate setting commission pursuant to chapter 6A and that such rates shall not be established by contract;”.

The amendment was adopted.

There being no objection, — Mr. Finneran of Boston moved that the bill be amended by striking out, in item 4120-4000, the figures “3,451,000” (inserted by amendment) and inserting in place thereof the figures “3,590,000”. The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 392. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare, with the cooperation of the rate setting commission, shall not approve any increase in existing rates of reimbursement to providers participating in the medical care and assistance program established pursuant to chapter one hundred and eighteen E of the General Laws rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality.

SECTION 393. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare shall make no expenditures from items 4402-4100, 4402-4200, 4402-4300, 4402-4400, 4402-4500, 4402-4600, 4402-4700, 4402-4800 and 4402-5002 in section two of this act which are not federally reimbursable
except for expenditures on cost containment projects for which prior approval has been received from the secretary of the executive office of health and human services and the house and senate committees on ways and means. No funds shall be expended from said items for the payment of abortions not necessary to prevent the death of the mother. Said department may allocate funds from said items to other agencies for the purposes of said items after giving prior notice to the house and senate committees on ways and means; provided, that expenditures from said items shall be made only for the purposes expressly stated therein.”.

The amendment was adopted.

There being no objection, — Messrs. Finneran of Boston and Karol of Attleboro moved that the bill be amended in section 2, in item 7010-0054, by striking out, in lines 14 to 19, inclusive, the words “; and provided further that notwithstanding any general or special law to the contrary, the board of education is prohibited from authorizing the expenditure of funds for new school building assistance projects until such time as the existing pool of approved projects on the fiscal year nineteen hundred and ninety-two priority list 'so-called' are funded”.

The amendment was adopted.

There being no objection, — the same members then moved that the bill be amended in section 2, in item 7010-0055, by striking out, in line 11, the words “four million” and inserting in place thereof the words “nine million”.

The amendment was adopted.

There being no objection, — Messrs. Finneran and Karol then moved that the bill be amended in section 2 by adding at the end of item 7010-0059 the words “; provided, that of the amount appropriated herein, the board of education may authorize one time payments of the total reimbursement due to cities and towns for school buildings which are structurally unsound or otherwise in a condition jeopardizing the safety of school children”.

The amendment was adopted.

Mr. Serra of Boston then moved that the bill be amended in section 2 by striking out, in item 4000-0100, the figures “1,699,321” and inserting in place thereof the figures “2,058,000”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, above item 4600-1050, by inserting after program objective number 6 the following program objective:

“7. To track the collection of acute hospital uncompensated care fees from purchasers and third party payers.”, and by inserting after performance measure number 6 the following performance measures:

“7a. Percent and amount of uncompensated care fees uncollected from insurers and other private sector payers.

7b. Insurers and private sector payers in noncompliance of fee payment requirements.

7c. Regulations to enforce uncompensated care fee payments promulgated by September 30, 1992.”.

The amendments were adopted.
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There being no objection, — Messrs. Finneran of Boston and Scaccia of Boston moved that the bill be amended in section 2 by inserting after item 5046-3600 the following item:

"5046-3700 For the homelessness prevention component of the adult services program in the metropolitan Boston area ...................... 3,000,000".

The amendment was adopted.

Mr. Caron of Springfield then moved that the bill be amended by inserting after section 177B (inserted by amendment) the following section:

"SECTION 177C. Section 25 of chapter 64H of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the fourth paragraph and inserting in place thereof the following paragraph: 
If payment of any such tax due is made by check and said check is not duly paid, the registrar of motor vehicles shall withhold issuance of the certificate of title for the motor vehicle, and shall prohibit the transfer or swap of the registration, and shall suspend or revoke the certificate of registration. The holder of said registration for which said check was tendered may not apply for, receive or renew any learner's permit, license to operate motor vehicles, certificate of registration or title, number plates, stickers, decals or any other items issued under the provisions of chapter ninety or chapter ninety D until said check has been duly paid.".

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 394. Section 14 of Chapter 53 of the General Laws as appearing in the 1990 Official Edition is hereby amended by inserting in line 39 as there appearing a new sentence after the word 'chosen' as follows: — Notwithstanding anything foregoing when a vacancy occurs, by reason of withdrawal, death or ineligibility in a district comprised of portions of wards of a city or not all precincts of a town then each ward and town committee which includes the precincts which are part of the district shall choose delegates as hereinbefore provided to fill vacancies in such number not exceeding one for each five hundred votes or fractions thereof cast in that portion of the ward or town included in the district for the candidate of that party for governor at the last state election, provided further that said delegate so chosen shall reside in the district where the vacancy occurs.".

The amendment was adopted.

Mrs. Murray of Cohasset then moved that the bill be amended in section 2 by inserting before item 2440-1000 the following item:

"2440-0400 For the expenses of site preparation for a parcel of land with 'The Clock Tower Building' thereon situated on the easterly side of George Washington Boulevard in the town of Hull ........... 141,834".

The amendment was rejected.
There being no objection, — Messrs. Gonsalves of Dartmouth, Cahir of Bourne and Lambert of Fall River moved that the bill be amended by adding at the end thereof the following section:

"SECTION 395. There is hereby established a special commission, to consist of two members of the senate, three members of the house of representatives and two persons to be appointed by the governor, one of whom shall be the executive director of the Massachusetts Municipal Association or his designee, for the purpose of making an investigation and study relative to the commonwealth making payments to municipalities in lieu of taxes for land owned by the commonwealth. Said commission shall report to the general court the results of its investigation and study together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December, nineteen hundred and ninety-two."

The amendment was rejected.

There being no objection, — Representatives Tarr of Gloucester, Henry of Beverly, Kerans of Danvers, Clark of Hamilton and Walsh of Peabody moved that the bill be amended by adding at the end thereof the following twenty-one sections:

"SECTION 395. The paragraph defining 'Employee' in section 1 of chapter 32 of the General Laws, as most recently amended by section 2 of chapter 701 of the acts of 1981, is hereby further amended by adding at the end thereof the following sentence: — 'Employee', as applied to persons whose regular compensation is paid by the North Shore Regional Vocational School District, shall mean any person, whether employed for a stated term or otherwise, who is engaged in duties which require that his time be devoted to the service of the district in each year during the ordinary working hours of regular and permanent employees.

SECTION 396. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining 'Member', as most recently amended by section 3 of chapter 556 of the acts of 1980, and inserting in place thereof the following paragraph: —

'Member', any employee included in the state employees' retirement system, in the teachers' retirement system or in any county, city, town, the Massachusetts Turnpike Authority, the Massachusetts Housing Finance Agency, or the Massachusetts Port Authority contributory retirement system, the Massachusetts Bay Transportation Authority police retirement system, the Blue Hills Regional Vocational school retirement system, the Minuteman Regional Vocational Technical School District Employees' retirement system, the Greater Lawrence Sanitary District Employees' retirement system, the North Shore Regional Vocational School District Employees' retirement system, established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, and if the context so requires, any member of any contributory retirement system established under the provisions of any special law.
SECTION 397. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining 'Political subdivision', as most recently amended by section 4 of said chapter 556, and inserting in place thereof the following paragraph:

'Political subdivision', the metropolitan district commission or any county, hospital district, city, town, district or housing authority, established under the provisions of section five of chapter one hundred and twenty-one B, the Massachusetts Turnpike Authority, the Massachusetts Parking Authority, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority, the Massachusetts State College Building Authority, the University of Lowell Building Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Greater Lawrence Sanitary District, the Blue Hills Regional Vocational School system, the Minuteman Regional Vocational Technical School District, the North Shore Regional Vocational School District, or any other public unit in the commonwealth.

SECTION 398. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining 'System', as most recently amended by section 5 of said chapter 556, and inserting in place thereof the following paragraph:

'System', the state employees' retirement system, the teachers' retirement system, the Massachusetts Turnpike Authority employees' retirement system, the Massachusetts Turnpike Authority employees' retirement system, the Massachusetts Housing Finance Agency employees' retirement system, the Massachusetts Bay Transportation Authority police retirement system, the Massachusetts Port Authority employees' retirement system, the Greater Lawrence Sanitary District employees' retirement system, the Blue Hills Regional Vocational School retirement system, the Minuteman Regional Vocational Technical School District employees' retirement system, the North Shore Regional Vocational School District employees' retirement system, or any county, city or town contributory retirement system, as the case may be, established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws and subject thereto, in which any member is included, and if the context so requires, any contributory retirement system established for the employees of any governmental unit under the provisions of any special law.

SECTION 399. The first paragraph of section 2 of said chapter 32 is hereby amended by striking out the fourth sentence, as most recently amended by section 6 of chapter 556, and inserting in place thereof the following sentence: — Subject to said sections, an employee of the commonwealth or the metropolitan district commission, the Massachusetts State College Building Authority, the University of Lowell Building Authority, the Massachusetts Parking Authority, the Old Colony Planning Council or the Boston Arena Authority shall be included in the state employees' retirement
system, except that a register of probate shall be included in the system of the county in which he is elected, a teacher, as defined in section one, shall be included in the teachers' retirement system, an employee of a county or of a hospital district, an employee of a mosquito control district or a mosquito control project located within a county shall be included in the system of such county, an employee of a city or town other than a teacher as defined in section one shall be included in the system of or which pertains to the municipality by which he is employed, an employee of the Massachusetts Turnpike Authority shall be included in the Massachusetts Turnpike Authority employees' retirement system, an employee of the police department of the Massachusetts Bay Transportation Authority shall be included in the Massachusetts Bay Transportation Authority police retirement system, an employee of the Massachusetts Housing Finance Agency shall be included in the Massachusetts Housing Finance Agency employees' retirement system, an employee of the Massachusetts Port Authority shall be included in the Massachusetts Port Authority employees' retirement system, an employee of the Greater Lawrence Sanitary District shall be included in the Greater Lawrence Sanitary District employees' retirement system, an employee of the Blue Hills Regional Vocational School system shall be included in the Blue Hills Regional Vocational School employees' retirement system, an employee of the Minuteman Regional Vocational Technical School District shall be included in the Minuteman Regional Vocational Technical School District employees' retirement system, an employee of the North Shore Regional Vocational School District shall be included in the North Shore Regional Vocational School District employees' retirement system, and an employee of a district shall be included in a system as provided for in subdivision (4) of section twenty-eight, except that in the case of a district which comprises cities and towns located in more than one county, or in the case of a district in which the cities and towns comprising such district may vary from time to time, the employees of such district may become members of the state employees' retirement system, subject to the provisions of subdivision (4) of section twenty-eight.

SECTION 400. Paragraph (b) of subdivision (4) of section 7 of said chapter 32 is hereby amended by striking out the last sentence, as appearing in section 18 of chapter 630 of the acts of 1982, and inserting in place thereof the following sentence: — This subdivision shall not be applicable to the Massachusetts Turnpike Authority or its employees' retirement system, the Massachusetts Housing Finance Agency or its employees' retirement system, the Blue Hills Regional Vocational School retirement system, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District employees' retirement system, or to the North Shore Regional Vocational School District employees' retirement system.

SECTION 401. Subdivision (3) of section 11 of said chapter 32 is hereby amended by striking out the second paragraph, as most
recently amended by section 8 of said chapter 556, and inserting in place thereof the following paragraph: —

No check, which has been issued by the state treasurer in payment of any obligation of the state board of retirement or the teachers' retirement board under authority of sections one to twenty-eight, inclusive, or which is issued by any county, city or town treasurer by the secretary-treasurer of the Massachusetts Turnpike Authority, the treasurer of the Massachusetts Turnpike Authority, the treasurer of the Massachusetts Housing Finance Agency, the secretary-treasurer of the Massachusetts Port Authority, the Greater Lawrence Sanitary District, the Blue Hills Regional Vocational School system, the Minuteman Regional Vocational Technical School District or by the North Shore Regional Vocational School District in payment of any obligation of any retirement system established under this chapter, shall be payable later than six years after its date, and the obligation of the commonwealth or of any county, city, town, the Massachusetts Turnpike Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, Greater Lawrence Sanitary District, the Blue Hills Regional Vocational School system, the Minuteman Regional Vocational Technical School District, the North Shore Regional Vocational School District, represented by any such check, shall not be enforceable if such check is not presented for payment within such period. The amount represented by such check shall thereupon be transferred to the pension fund of the retirement system under whose authority the check was originally issued.

SECTION 402. Paragraph (a) of subdivision (1) of section 14 of said chapter 32 is hereby amended by striking out the first paragraph, as most recently amended by section 9 of said chapter 556, and inserting in place thereof the following paragraph: —

Any employee who was a member in service at the time of sustaining an injury or undergoing a hazard on account of which he becomes entitled to payments under the provisions of chapter one hundred and fifty-two shall, during the period while he is receiving weekly payments for total incapacity under the provisions of sections sixty-nine to seventy-five, inclusive, of such chapter or of sections thirty-four, thirty-four A, thirty-five A, or thirty-six of such chapter in the case of an employee of the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Greater Lawrence Sanitary District, the Blue Hills Regional Vocational School system, the Minuteman Regional Vocational Technical School District, or the North Shore Regional Vocational School District, represented by the allocation of the amount of any lump sum settlement payable directly to him under the provisions of section forty-eight of such chapter in lieu of such weekly payments and also, in either event, during a further period of thirty days, retain all the rights of a member in service while he is living, unless and until a retirement allowance becomes effective for him under the provisions of sections
one to twenty-eight, inclusive. During such periods, however, no deductions for the annuity savings fund of the system shall be made from payments such members shall receive under the provisions of chapter one hundred and fifty-two, nor shall he withdraw his accumulated total deductions therefrom.

SECTION 403. Section 15 of said chapter 32 is hereby amended by striking out subdivision (2), as most recently amended by section 10 of said chapter 556, and inserting in place thereof the following subdivision: —

(2) Initiation of Proceedings. Proceedings under this section may be initiated by the board, by the head of the department, by the commission or board of the commonwealth or of any political subdivision thereof wherein the member is employed or was last employed if not then in service, or in a county by the county commissioners, in a city by the mayor, in a town by the board of selectmen, in the Massachusetts Turnpike Authority by the authority, in the Massachusetts Housing Finance Agency by the agency, in the Massachusetts Port Authority by the authority, in the Greater Lawrence Sanitary District by the district, in the Blue Hills Regional Vocational School System by the system, in the Minuteman Regional Vocational Technical School District by the district, or in the North Shore Regional Vocational School District by the district. The procedure set forth in subdivision (1) of section sixteen relative to delivery of copies, statement of service thereof, notice, hearing, if requested and the filing of a certificate of findings and decision, so far as applicable, shall apply to any proceedings under this section.

SECTION 404. Section 20 of said chapter 32 is hereby amended by inserting after subdivision (4%B), the following subdivision: —

(4%C) (a) The contributory retirement system established for the North Shore Regional Vocational School District under the provisions of sections one to twenty-eight, inclusive, shall be known as, and all of its business shall be transacted under the name of, the North Shore Regional Vocational School District Employees’ Retirement System.

(b) Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5). Said board shall consist of three members as follows: the treasurer of the district who shall be a member ex officio, a second member who shall be elected by the members in or retired from service of such district from among their number in such manner and for such term, not exceeding three years, as the superintendent-director of the district shall determine, and a third member who shall be chosen by the other two for a term of three years. Future elections of the second member shall be held under the supervision of said retirement board and the term of the second member shall be arranged so as not to expire in the year of expiration of the term of the third member. If a third member is not chosen by the other two members within thirty days after the expiration of the term of the third member, the District School Committee shall appoint a third
member for a period of three years. Each member of said retirement board shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of any elected or appointed member or in case of a vacancy in either of said offices, his successor shall be elected or appointed, as aforesaid, for a three-year term or for the unexpired portion thereof, as the case may be, except that in no event shall the term of the second member expire in the same year as the term of the third member.

(c) The members of the board shall serve without compensation, but they shall be reimbursed from the expense fund of the system for any expense or loss of salary or wages which they may incur through service on said board. Nothing in this paragraph shall prevent the treasurer, or any other person who serves in the active administration of the system in lieu of the treasurer, from being compensated for services rendered in the active administration of the system; provided, however, that the compensation for such services shall not be less than two hundred nor more than fifteen hundred dollars per annum, and shall be payable from the expense fund of the system.

(d) The board, by majority vote, shall elect one of its members to serve as chairman until the election of his successor and shall appoint a secretary who may be, but need not be, one of its members. The board shall employ such clerical and other assistants as may be required to transact the business of the system.

(e) The legal counsel of the district shall be the legal advisor of the board; provided, however, that in such cases as the board deems necessary, it may employ other counsel whose fees shall be paid from the expense fund of the system.

(f) The treasurer may be compensated for services rendered as custodian of the funds of the retirement system, provided that the compensation for such services shall not be more than fifteen hundred dollars per annum and shall be payable from the expense fund of the system.

SECTION 405. Paragraph (i) of subdivision (5) of section 20 of said chapter 32 is hereby amended by inserting after the sentence inserted by section 13 of said chapter 556 the following sentence: — The retirement board of the North Shore Regional Vocational School District shall file a copy of its report with the district for publication in the district's annual report.

SECTION 406. Paragraph (c) of subdivision (1) of section 21 of chapter 32 is hereby amended by striking out the last sentence, as appearing in section 25 of chapter 630 of the acts of 1982, and inserting in place thereof the following sentence: — Upon the completion of such examination, verification and valuation, the commissioner shall make a report in writing of his findings to the board, and shall send a copy thereof to the governor and state treasurer, the county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing
Finance Agency, the Massachusetts Port Authority, the Blue Hills Regional Vocational school system, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District or the North Shore Regional Vocational School District, as the case may be.

SECTION 407. Subdivision (2) of said section 21 of said chapter 32, as appearing in section 25 of said chapter 630 of the acts of 1982, is hereby further amended by adding the following sentence: — The North Shore Regional Vocational School District shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and proper by the commissioner, which sum shall be paid to the state treasurer upon notice from the commissioner.

SECTION 408. Subdivision (7) of section 22 of said chapter 32 is hereby amended by adding after paragraph (j), added by section 16 of said chapter 556, the following paragraph: —

(k) The retirement board of the North Shore Regional Vocational School District employees retirement system shall, on or before October fifteenth in each year, furnish the actuary with such information as he may require to enable him to determine the amount to be paid for the pension fund of said system by the school district for the fiscal year commencing on the next following July first. The actuary shall, on or before the December fifteenth immediately preceding such fiscal year, determine such amount and specify in a written notice to said board the amount so required to be paid. The board shall, at least ten days before the January first next following the receipt of such notice from the actuary, certify to the school district the amount necessary to be paid for such fiscal year for the three aforesaid funds of said system and the amount so certified shall be included by appropriate items in the school district's budgets for such fiscal year and shall be paid by the school district to the treasurer-custodian of said system in twelve equal monthly installments to be credited to the several funds thereof. Such amounts as the actuary deems necessary to cover the requirements of the retirement system for the fiscal year prior to the beginning of the next fiscal year after this section shall become effective and shall be paid into the several funds thereof in equal monthly installments by special payments of the school district.

SECTION 409. Paragraph (a) of subdivision (2) of section 23 of said chapter 32 is hereby amended by striking out the first sentence, as most recently amended by section 17 of said chapter 556, and inserting in place thereof the following sentence: — The county, city or town treasurer, the secretary-treasurer of the Massachusetts Turnpike Authority, the treasurer of the Massachusetts Bay Transportation Authority, the treasurer of the Massachusetts Housing Finance Agency, the secretary-treasurer of the Massachusetts Port Authority, the treasurer of the Blue Hills Regional Vocational School system, the treasurer of the Greater Lawrence Sanitary District, the treasurer of the Minuteman Regional Vocational Technical School District, and the treasurer of the North
Shore Regional Vocational School District shall be the treasurer-custodian of the system established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, in any county, city or town, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Blue Hills Regional Vocational School system, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District, or the North Shore Regional Vocational School District, as the case may be, and shall have the custody of the funds of any such system.

SECTION 410. Subdivision (1) of section 24 of said chapter 32 is hereby amended by striking out the first sentence, as appearing in section 30 of chapter 630 of the acts of 1982, and inserting in place thereof the following sentence: — If the commissioner is of the opinion that any governmental unit or any officer or employee thereof, or the state board of retirement, the teachers' retirement board or any other retirement board subject to the provisions of sections one to twenty-eight, inclusive, or any member or employee of any such board, has violated or neglected to comply with any provision of such sections, or the rules and regulations established thereunder, he shall give notice thereof to the governor, county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Blue Hills Regional Vocational School system, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District or the North Shore Regional Vocational School District, as the case may be, and to the retirement board, and, thereafter, if such violation or neglect continues, shall forthwith present the facts to the attorney general who shall take appropriate action.

SECTION 411. Section 25 of said chapter 32 is hereby amended by striking out subdivision (4), as most recently amended by section 19 of said chapter 556, and inserting in place thereof the following subdivision: —

(4) The payment of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and of any other benefits granted under the provisions of sections one to twenty-eight, inclusive, are hereby made obligations of the commonwealth in the case of any such payments from funds of the state employees' retirement system or the teachers' retirement system and obligations of the governmental unit in which the system is established in the case of payments from funds of any system established in any county, city or town or in the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Blue Hills Regional Vocational School system, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District or the North Shore Regional Vocational School District.
SECTION 412. Paragraph (a) of section 102 of said chapter 32 is hereby amended by striking out the second and third sentences, as most recently amended by section 20 of said chapter 556, and inserting in place thereof the following two sentences: —

In the event that such comparison indicates an increase in the cost-of-living of at least three per cent, the retirement allowance, pension or annuity of every former employee of the commonwealth or of any county, city, town, district, housing or redevelopment authority, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Blue Hills Regional Vocational School system, the greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District, the North Shore Regional Vocational School District or of the spouse or other beneficiary of any such former employee who is receiving a retirement allowance, pension or annuity shall, beginning July first of said year, be increased by such percentum as the general court shall determine. In the event that such comparison indicates a decrease in the cost-of-living of at least three per cent, the retirement allowance, pension or annuity of every former employee of the commonwealth or of any county, city, town, employee of the commonwealth or of any county, city, town, district, housing or redevelopment authority, of the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Blue Hills Regional Vocational School system, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District or the North Shore Regional Vocational School District, or of the spouse or other beneficiary of any such former employee who is receiving a retirement allowance, pension, or annuity shall be decreased by such percentum; provided, that no decrease shall be made which would reduce any retirement allowance, pension, or annuity to an amount less than the amount fixed for such retirement allowance, pension, or annuity as of December thirty-first, nineteen hundred and seventy-three.

SECTION 413. Section 73 of chapter 152 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 21 of said chapter 556, and inserting in place thereof the following sentence: — Any person entitled under section sixty-nine to receive compensation from the commonwealth or from such county, city, town or district and any person entitled under section thirty-one, thirty-four, thirty-four A, thirty-five, thirty-five A or thirty-six to receive compensation from the Massachusetts Turnpike Authority, or the Massachusetts Port Authority, the Blue Hills Regional Vocational School system, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational Technical School District, the North Shore Regional Vocational School District or any police officer of the Massachusetts Bay Transportation Authority so entitled to compensation under said sections and who is also entitled to a pension by reason of the same injury, shall elect whether he will receive such compensation or such pension and shall not receive both, except in the manner and to the extent provided by section fourteen of chapter thirty-two.
SECTION 414. Each employee of the North Shore Regional Vocational School District as of January first, nineteen hundred and eighty-three and each employee of the school district thereafter shall become a member of the North Shore Regional Vocational School District employees' retirement system. All others who are members of the North Shore Regional Vocational School District employees' retirement system on account of employment by the school district shall continue to be members thereof and subject to the law applicable thereto. The North Shore Regional Vocational School District employees' retirement system shall reimburse the Salem contributory retirement system for the school district's proportionate share of any amounts expended by the city of Salem retirement system under the provisions of chapter thirty-two of the General Laws for retirement allowances to or on account of the school system's employees.

Whenever a person who is a member of said Salem retirement system on account of employment by the North Shore Regional Vocational School District shall become a member of the North Shore Regional Vocational School District employees' retirement system pursuant to this section, that employee shall be entitled to all creditable service and all rights and benefits to which he was entitled as a member of the Salem retirement system. Within ninety days of such transfer by a member of said Salem retirement system, the amount of the accumulated total deductions credited to his account in the annuity savings fund of the said Salem retirement system shall be transferred and credited to the annuity savings fund of the North Shore Regional Vocational School District employees' retirement system.

SECTION 415. Nothing in this act shall be deemed to repeal, decrease, abridge or in any way change the annuities, pensions, retirement allowances, refunds of accumulated total deductions or any other right or benefit to which a person transferred to the North Shore Regional Vocational School District employees' retirement system pursuant to this act would have been entitled had he remained a member of the Salem retirement system."

The amendment was rejected.

Mr. Petrolati of Ludlow then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 395. Chapter 112 of the General Laws is hereby amended by adding the following section: —

Section 196. Any party in a non-disciplinary action aggrieved by the decision of any Board covered under this chapter shall have the right to appeal such action to the Secretary. After conducting a hearing in accordance with Chapter 39A of the General Laws, the Secretary in such matter shall have the right to (a) uphold such decision (b) modify such decision (c) reverse such decision or (d) refer such decision back to the appropriate Board with recommendations for action.

Any party aggrieved by the decision of the Secretary may appeal to a court of competent jurisdiction.”.

The amendment was rejected.
Mr. Cox of Lowell then moved that the bill be amended in section 2 by striking out, in item 0336-0400, the figures “229,753” and inserting in place thereof the figures “243,720”; and by striking out, in item 0336-0500, the figures “201,280” and inserting in place thereof the figures “304,425”.

The amendments were rejected.

There being no objection, — Messrs. Finneran of Boston and Jordan of Springfield moved that the bill be amended in section 2 by striking out, in item 3143-3036, the figures “100,000” and inserting in place thereof the figures “300,000”.

The amendment was rejected.

There being no objection, — the same members moved that the bill be amended in section 2 by striking out, in item 3143-2027, the figures “350,000” and inserting in place thereof the figures “750,000”.

The amendment was rejected.

Mr. DeLeo of Winthrop then moved that the bill be amended in section 2 by inserting after item 7028-0412 the following item:

“7028-0422 For a discretionary grant program to be paid to cities, towns, or regional school districts for the purpose of funding the establishment of teacher support teams in elementary and middle school buildings. The board of education may award grants for individual schools which agree to establish teacher support teams for the implementation of a prereferral system and to provide a mechanism for the delivery of appropriate instructional accommodations within the regular education classroom; provided, that any payments made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee without appropriation, notwithstanding the provisions of any general or special law to the contrary; and provided further, that any educational costs covered by a payment made under this appropriation shall not be eligible for recovery under section two of chapter seventy of the General Laws ....

710,000".

The amendment was rejected.

Mr. Hodgkins of Lee moved that, notwithstanding any rule to the contrary, all amendments to the pending matter shall be filed with the Clerk before the hour of eight o'clock A.M. this day; provided that an amendment in the second degree may be entertained on any pending amendment; and the motion was adopted.

Mr. Caron of Springfield then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 395. Section 20A½ of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the word ‘ten’ in line 101 and inserting in place thereof the word: — twenty.”.

The amendment was rejected.
The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 395. Section 20A of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the word "ten' in line 127 and inserting in place thereof the word: — twenty."

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

There being no objection, — Representatives O'Brien of Easthampton, Landers of Palmer and Story of Amherst moved that the bill be amended in section 2 by inserting after item 0332-3700 the following item:

"0332-3750 For the district court of Hampshire (Northampton) component of the district court program; provided, that of the amount appropriated herein, sixty thousand dollars shall be expended for an alternative probation program 'Honor Court', so called, including not more than forty-four positions 1,394,326".

The amendment was rejected.

Mr. Roosevelt of Boston then moved that the bill be amended in section 2 by striking out, in item 7030-1000, the figures "12,912,938" and inserting in place thereof the figures "18,411,804".

After debate the amendment was adopted.

There being no objection, — Messrs. Brett of Boston, Kollios of Millbury and Cahir of Bourne moved that the bill be amended in section 2 by striking out, in item 5920-3000, the figures "14,653,077" and inserting in place thereof the figures "16,653,077".

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. Ruane of Salem; and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 179 in Supplement.]

Therefore the amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by adding at the end of item 7010-0075 the words "; provided further, that of the sum appropriated herein, one hundred million dollars shall be provided to cities, towns, regional school districts and independent vocational schools for the purpose of supporting the difference between actual expenditures and the fiscal year nineteen hundred and ninety-one state average district service expenditure".

After debate Representatives Sullivan of Abington, Hynes of Marshfield and Evans of Wayland moved, there being no objection, that the amendment offered by Mr. Finneran be amended by adding at the end thereof the words "; provided, however, that the sum of fifty million of this sum shall be disbursed on a per pupil basis and the sum of three million dollars shall be used to offset school district financial loss due to school choice".
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. Sullivan of Abington, and on the roll call (Mrs. Menard of Somerset being in the Chair) 40 members voted in the affirmative and 110 in the negative.

[See Yea and Nay No. 180 in Supplement.]

Therefore the further amendment was rejected.

Mr. Roosevelt of Boston then moved that the amendment offered by Mr. Finneran of Boston be amended by adding at the end thereof the following: "; provided further that of the sum appropriated herein, one hundred million dollars will be used to increase spending on direct services in districts where actual expenditures on direct services in FY1988, 1990, or 1991 was less than eighty-five per cent of the state average of such expenditures, pursuant to chapter 70A of the General Laws". The further amendment was adopted.

The amendment offered by Mr. Finneran, as amended, then also was adopted.

After remarks, at seven minutes before ten o'clock A.M. (Friday, May 29) (Mrs. Menard of Somerset being in the Chair), Mr. Forman of Plymouth moved that the House recess until Monday, June 1, at the hour of ten o'clock A.M.

On the motion to recess, 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 105 in the negative.

[See Yea and Nay No. 181 in Supplement.]

Therefore the motion to recess was negatived.

Ms. Bump of Braintree then moved that the bill be amended in section 2 by inserting after item 9075-0004 the following item:

"Bay State Skills Corporation.

9081-7011 For the expenses of the Bay State Skills Corporation and the Industry Responsive Training Program; and employment, training and counseling of Displaced Homemakers; and training of teachers; and workforce development and business assistance; provided that a report of all revenues, expenditures, assets and liabilities of said corporation be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means; provided further, that said corporation shall remain as a quasi-public corporation ......................... 1,500,000".

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 2410-1000, by inserting after the word "services", in line 22, the words "; provided further, that no facilities or activities operated by the commission shall be privatized or contracted out during fiscal year nineteen hundred ninety-three".

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request
of Mr. Forman of Plymouth; and on the roll call 107 members voted in the affirmative and 42 in the negative.

[See Yea and Nay No. 182 in Supplement.]

Therefore the amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 395. For hospital fiscal year nineteen hundred and ninety-three, the uncompensated care liability of purchasers and third party payers to the uncompensated care pool established pursuant to section seventeen of chapter one hundred eighteen F of the General Laws and derived from the uncompensated care fee assessed by acute hospitals on all accounts charged to purchasers and third party payers exclusive of Titles XVIII and XIX and publicly-aided patients shall not exceed three hundred thirty million dollars. For state fiscal year nineteen hundred and ninety-three, notwithstanding any general or special law to the contrary, fifteen million dollars generated by federal financial participation made available under Title XIX of the Social Security Act to match the costs of said pool for disproportionate share hospitals shall be deposited into said pool, and five million two hundred and forty thousand dollars of said federal financial participation shall be deposited into the health care access fund established pursuant to section seventeen A of chapter one hundred eighteen F of the General Laws."

The amendment was adopted.

There being no objection, — Representatives Correia of Fall River, Lambert of Fall River, Herren of Fall River and Menard of Somerset moved that the bill be amended in section 2 by adding at the end of item 8400-0050 the words "; provided further, that the Registrar is hereby authorized and directed to reopen the branch office of the registry located in Fall River; and provided further, that of the sum appropriated herein, not more than one million five hundred thousand dollars shall be obligated for said branch office in Fall River;" and by striking out, in said item, the figures "7,223,086" and inserting in place thereof the figures "8,723,086".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Forman of Plymouth; and on the roll call 96 members voted in the affirmative and 46 in the negative.

[See Yea and Nay No. 183 in Supplement.]

[Mr. Draisen of Boston answered “Present” in response to his name.]

Therefore the amendments were adopted. Subsequently Mr. Correia of Fall River moved that this vote be reconsidered; and the motion to reconsider was negatived.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out, in item 4402-4100, the figures "415,425,000" and inserting in place thereof the figures "405,110,000"; by striking out, in item 4402-4200, the figures "138,650,000" and inserting in place thereof the figures "136,264,000"; by striking out, in item 4402-4300, the figures "158,730,000" and inserting in place thereof the
figures “149,691,000”; by striking out in item 4402-4400, the figures 
"1,043,236,000" and inserting in place thereof the figures 
"1,022,872,000"; by striking out, in item 4402-4500, the figures 
"141,515,000" and inserting in place thereof the figures 
"138,884,000"; and by striking out, in item 4402-4600, the figures 
"324,315,000" and inserting in place thereof the figures 
"318,311,000".

The amendments were adopted.

Mr. Cox of Lowell then moved that the bill be amended by striking 
out section 78 and inserting in place thereof the following section:

"SECTION 78. Section 1 IE of chapter 12 of the General Laws, 
as appearing in the 1990 Official Edition, is hereby amended by 
striking the words: — ‘provided, however, that such expenditures 
shall not exceed annually the amount assessed against such electric, 
gas, telephone and telegraph company under the provisions of 
section nine of chapter six A.’; and by inserting in place thereof the 
following words: — “provided, that amounts shall be assessed 
against such electric, gas, telephone and telegraph company under 
the provisions of section nine A of chapter six A.”.

The amendment was adopted.

There being no objection, — Messrs. Jordan of Springfield and 
Finneran of Boston moved that the bill be amended in section 2, 
in item 3322-9027, by striking out the figures “28,265,900” and 
inserting in place thereof the figures “31,406,555”.

On the question on adoption of the amendment, the sense of the 
House was taken by yeas and nays, at the request of Mr. Forman 
of Plymouth; and on the roll call 117 members voted in the 
affirmative and 31 in the negative.

[See Yea and Nay No. 184 in Supplement.]

Therefore the amendment was adopted.

There being no objection, — Messrs. Jordan and Finneran moved that the bill be amended in section 2, in item 3322-8878, by striking out the figures “2,498,121” and inserting in place thereof the figures “3,028,670”. The amendment was adopted.

There being no objection, — Messrs. Flaherty of Cambridge and 
Finneran of Boston moved that the bill be amended in section 2 by 
inserting after item 3722-9002 the following item:

"3743-2027 For the purpose of a loan and grant program for 
inner city neighborhoods for the purposes of job 
training, business development, health care, day 
care, violence and crime prevention and 
housing; provided, however, that such program 
shall be administered by the Community 
Development Finance Corporation established 
pursuant to the provisions of chapter forty F of 
the General Laws .......... 5,000,000".

After remarks on the question on adoption of the amendment, 
the sense of the House was taken by yeas and nays, at the request 
of Mr. Forman of Plymouth; and on the roll call 116 members voted 
in the affirmative and 31 in the negative.

[See Yea and Nay No. 185 in Supplement.]

Therefore the amendment was adopted.
There being no objection, — Messrs. Hayward of Lynn and Manning of Milton moved that the bill be amended by adding at the end thereof the following section:

"SECTION 396. Section 3 of Chapter 58 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph: —

Notwithstanding the provisions of the first paragraph, or any other provision of general or special law to the contrary, the commissioner shall not install, supply, service, maintain, train, distribute, or assist any computer assisted appraisal software program for any city or town."

The amendment was adopted.

There being no objection, — Messrs. Finneran of Boston and Jordan of Springfield moved that the bill be amended in section 2 by striking out item 3222-9024 and inserting in place thereof the following item:

"3222-9024 For the rental assistance program in the form of vouchers for families and elderly of low-income; provided, that notwithstanding any general or special law to the contrary, said vouchers shall be distributed only to those households that receive chapter seven hundred and seven certificates, so-called, and housing vouchers under any existing voucher program on June thirtieth, nineteen hundred and ninety-two; provided further, that notwithstanding any general or special law to the contrary, of said chapter seven hundred and seven certificate holders, only those below two hundred percent of the federal poverty level shall receive said vouchers; provided further, that each such voucher shall be worth exactly three hundred dollars per month; provided further, that no vouchers whose use has been discontinued shall be reassigned at any time; and provided further, that no funds appropriated herein may be used for the administration of said program by local housing authorities or nonprofit organizations, including not more than five positions ...... 69,400,000".

Pending the question on adoption of the pending amendment offered by Messrs. Finneran and Jordan, Representatives Morrissey of Quincy, Klimm of Barnstable, Parente of Milford and Turkington of Falmouth moved, there being no objection, that it be amended by striking out the text and inserting in place thereof the following:

"3222-9024 For a program of rental assistance for families and elderly of low-income including certificates and vouchers; provided that not more than ten percent of the amount expended for said rental assistance program may be used for the administration of said program; provided
further, that the executive office of communities and development shall submit quarterly reports to the house and senate committees on ways and means detailing expenditures, the number of certificates awarded and the number of new and existing units leased; and provided further, that the executive office of communities and development shall conduct or contract for, no less than semi-annually, rent surveys for the purpose of determining the maximum allowable rent available under the rental assistance program. And, for a program of housing assistance consistent with the program requirements established by the federal government for the program authorized by Public Law 98-181, Section 207, to be administered through local non-profit agencies notwithstanding the provisions to the contrary in section forty-three of chapter one hundred and twenty-one B of the General Laws; provided further, that in the case of any rental assistance provided in conjunction with any federal housing program, tenants shall pay such portion of their income for rent as may be required by said federal program and such assistance shall be administered in accordance with applicable federal program regulations; and provided further, that payments for rental assistance may be provided in advance, including not more than five positions .......

80,000,000".

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Schur of Newton; and on the roll call 39 members voted in the affirmative and 107 in the negative.

[See Yea and Nay No. 186 in Supplement.]

Therefore the further amendment was rejected.

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 in another part of the State House.

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

After remarks on the question on adoption of the amendment offered by Messrs. Finneran of Boston and Jordan of Springfield, the sense of the House was taken by yeas and nays, at the request of Mr. Finneran; and on the roll call 142 members voted in the affirmative and 6 in the negative.

[See Yea and Nay No. 187 in Supplement.]

Therefore the amendment was adopted.

Mr. Kennedy of Brockton then moved that the bill be amended by striking out section 186; and the amendment was adopted.
The same member then moved that the bill be amended by striking out sections 82 and 83. The amendment was adopted.

Mr. Kennedy then moved that the bill be amended in section 2, in item 8000-0130, by inserting after the word “three;”, in line 5, the words “and for the Modular Program, so-called; provided further, that the Secretary of Public Safety is hereby authorized to enter into agreements with the sheriffs in all counties for the operation of modular housing units, day reporting centers, and regional correctional alcohol treatment facilities; provided further, that the Secretary of Public Safety is hereby authorized to make quarterly advances to the treasurers of the counties pursuant to said agreements; provided said treasurers shall deposit said advances into a fund to be expended solely for the purpose of said agreements; provided further, that any interest earned by said funds shall be deposited to said funds and that any unexpended balances including interest remaining in said fund as of June thirtieth, nineteen hundred and ninety-three shall be returned to the commonwealth;”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 397. Paragraph (a) of section 12 of chapter 372 of the Acts of 1984, as most recently amended by Section 176 of chapter 150 of the Acts of 1990, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence: — The aggregate principal amount of all bonds issued under the authority of this act shall not exceed the sum of three billion dollars outstanding at any one time, provided however, that bonds for the payment or redemption of which, either at or prior to maturity, refunding bonds shall have been issued, shall be excluded in the computation of outstanding bonds.

SECTION 398. Section 16 of said chapter 372, as most recently amended by Section 177 of chapter 150 of the Acts of 1990, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — The aggregate principal amount of all bonds issued under the authority of this act shall not exceed the sum of three billion dollars outstanding at any one time, provided however, that bonds for the payment or redemption of which, either at or prior to maturity, refunding bonds shall have been issued, shall be excluded in the computation of outstanding bonds."

The amendment was rejected.

Mr. Lionett of Worcester then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 397. The Department of Revenue and the Executive Office of Elder Affairs are hereby directed to conduct a study of incentives for the purchase of long-term care insurance. The study shall include the use of income tax exemptions or deductions to encourage the early purchase of such insurance to create a risk pool to support the long-term needs of the Commonwealth. The department and secretary shall report to the clerks of the house and senate and the committees on ways and means of the house and senate by January first, nineteen hundred and ninety-three."

The amendment was adopted.
Mrs. Cleven of Chelmsford then moved that the bill be amended in section 2, in item 4403-2000, by striking out, in line 33, the words "supplemental benefits"; and by inserting after the word "services", in line 34, the words "; provided further, that certain families which suffer a reduction in benefits due to their loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for this loss.”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call (the Speaker being in the Chair) 42 members voted in the affirmative and 102 in the negative.

[See Yea and Nay No. 188 in Supplement.]

Therefore the amendments were rejected.

Subsequently Mr. Businger of Brookline 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 my district where I was a featured speaker at the re-opening ceremony of the John F. Kennedy birthplace in Brookline. Had I been present when the vote was taken, I would have voted in the affirmative.

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

Ms. Gardner of Holliston then moved that the bill be amended by inserting after section 39 the following section:

"SECTION 39A. Notwithstanding the provisions of any general or special law to the contrary, a determination to site a railroad station or rapid transit stop in the town of Southborough shall not increase said municipality's assessment for rapid transit service."

The amendment was rejected.

Mr. Tolman of Watertown then moved that the bill be amended by inserting after section 180C (inserted by amendment) the following section:

"SECTION 180D. Section 23 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 55, the word 'ten' and inserting in place thereof the word: — sixty."

The amendment was rejected.

The same member then moved that the bill be amended in section 2 by striking out item 7000-9403 and inserting in place thereof the following item:

"7000-9403 For the specialized services program, provided however, of the sum appropriated herein, not less than one hundred twenty-four thousand one hundred and sixty-five dollars be expended for the talking book program in Worcester; and provided further, that of the sum appropriated herein, not less than nine hundred forty-five thousand two hundred and thirty-five dollars be expended for the purpose of a statewide talking book program, including not less than two
The amendment was rejected.
There being no objection, — Messrs. Palumbo of Newbury and Tarr of Gloucester moved that the bill be amended by adding at the end thereof the following section:

"SECTION 398. (a) Notwithstanding any other provision of this act or any other general or special law to the contrary, the sums set forth for appropriation and spending authorizations from line-items in section two of this act shall be reduced by one percent and, notwithstanding the amounts appropriated or authorized to be expended in section two, the comptroller shall not make available for expenditure amounts in excess of the amount indicated in said section two reduced by one percent; provided, however that said sums as reduced shall be expended for the purpose of increasing 'local aid' payments to the cities and towns in the Commonwealth; and provided further that such reductions in appropriations in said section two shall not apply to so-called 'local aid' line-items providing for assistance to the various cities and towns nor shall such one percent reduction apply to 'debt-service' line-item appropriation accounts."

The amendment was rejected.

There being no objection, — Representatives Koczera of New Bedford, Menard of Somerset, Pacheco of Taunton and Lambert of Fall River moved that the bill be amended in section 176 by inserting after the word "revenue", in line 9, the words "; provided, further, in labor market areas where the unemployment rate for eight of the twelve preceding months is one and one-quarter times or greater than the statewide average there shall be an additional credit of two percent for a total of five percent; and provided, further, that at least fifty percent of the new jobs created by the investment be filled with residents of the labor market area. Labor market area for purposes of this paragraph shall mean those cities and towns designated as such by the commissioner of the department of employment and training".

The amendment was rejected.

There being no objection, — Representatives Gardner of Holliston, Lambert of Fall River, Harkins of Needham and Valianti of Marlborough moved that the bill be amended in section 2, in item 7070-0032, by striking out, in lines 5 and 6, the words "five hundred thousand dollars" and inserting in place thereof the words "nine hundred thousand dollars"; and in said item by striking out the figures "4,069,105" and inserting in place thereof the figures "4,469,105". The amendments were rejected.

There being no objection, — Messrs. Koczera of New Bedford, Cabral of New Bedford and Blute of Shrewsbury moved that the bill be amended in section 2 by inserting after item 4170-0100 the following item:
For a program of assistance to veterans who are homeless, including assistance to organizations which provide food, shelter, housing search, and limited related services to homeless veterans; provided that not less than one million, seventy-three thousand nine hundred and ninety-seven dollars shall be obligated for a contract with the New England Shelter for Homeless Veterans located in the City of Boston; provided further, that not less than one hundred twenty-five thousand dollars shall be obligated for a contract with the Central Massachusetts Shelter for Homeless Veterans located in the city of Worcester; provided further, that not less than sixty thousand dollars shall be obligated for a contract with the South East Massachusetts Veterans’ Housing Program, Inc., located in the city of New Bedford; and provide further that said shelters shall enter into standard purchase of service contracts pursuant to all applicable regulations ........................................ 1,309,357”.

The amendment was rejected.

Mr. Hawke of Gardner then moved that the bill be amended in section 2, in item 7010-0067, by striking out the figures “100,251,268” and inserting in place thereof the figures “97,651,268”; in item 7010-0075, by striking out the figures “205,522,604” and inserting in place thereof the figures “203,022,604”; in item 7028-0412 by striking out the figures “27,191,736” and inserting in place thereof the figures “25,591,736”; and by inserting after item 7010-0070 the following item:

“For the reimbursement to cities, towns, and regional school districts of the tuition in public schools of any school age child placed elsewhere other than his own home town by, or under the control of, the department of public welfare or the department of social services under the provisions of section seven and nine of chapter seventy-six of the General Laws; provided that notwithstanding any general or special law to the contrary, the commonwealth’s obligation under this section shall not exceed the amount appropriated herein ......................... 6,720,000”.

The amendments were rejected.

Mr. Stoddart of Natick then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 398. Section 6 of chapter 64H of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after subsection (qq) the following subsection: —

(rr) Sales of telecommunications services paid for by inserting coins into coin operated telecommunications devices.

SECTION 399. This act shall apply to sales of telecommunications services on or after July first, nineteen hundred and ninety-two.”.

The amendment was rejected.
Ms. Gibson of Belmont then moved that the bill be amended in section 2 by adding at the end of item 9110-1630 the words "; provided further that not less than two million four hundred thousand dollars shall be expended to increase wages and benefits for homemakers who provide direct care services to home care clients"; and by striking out, in said item, the figures "72,002,305" and inserting in place thereof the figures "74,402,305". The amendments were rejected.

Mr. Rushing of Boston then moved that the bill be amended by inserting after section 156 the following section:

"SECTION 156A. Chapter 23B of the General Laws is hereby amended by inserting after section 24A the following section:

Section 24B. New Start Project for Homeless Individuals.

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

(1) homeless individual — any person (or couple) currently without children who lacks a fixed, regular and adequate nighttime residence, or has a primary nighttime residence that is (i) a publicly or privately operated shelter designed to provide temporary living accommodations, (ii) an institution that provides a temporary residence for individuals intended to be institutionalized, or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(2) qualifying apartment — an apartment for which the rent is within the limits established by the federal Department of Housing and Urban Development pursuant to 42 U.S.C. 1437f(c)(1);

(3) qualifying homeless individual — a homeless individual, as defined in subsection (a)(1), who is present in the commonwealth, who has not rendered himself or herself homeless, or entered the commonwealth, solely for the purpose of qualifying for assistance and services under this section, who is not eligible to receive aid under 42 U.S.C. 606(e), whose liquid assets are less than or equal to $250.00 and whose monthly income is less than or equal to 150 percent of the payment standard for a blind person under the federal Supplemental Security Income program operated in the Commonwealth.

(b) The commonwealth, acting by and through the secretary, shall enter into contracts with community action agencies, and such other organizations as the secretary determines pending the availability of funds to administer a program, to be known as the New Start project, designed to assist qualifying homeless individuals to secure and maintain adequate housing and suitable living environment. To further this goal, the community action agencies shall provide, and the secretary shall fund, at least the following assistance and services:

(1) a security guarantee to pay an amount up to one month's rent to cover any damage done by a qualifying homeless individual to a qualifying apartment; (2) a voucher for the first month's rent for a qualifying apartment; (3) voucher(s) to cover the typical costs of establishing a home, including but not limited to utility deposits, moving and storage costs, and any necessary major appliance(s);
(4) housing search services designed to help qualifying homeless individuals locate and acquire productive employment; and
(5) social services designed to facilitate the process of establishing a home.

c) In order to qualify for the assistance and services listed in subsection (b), a homeless individual must first exhaust any other available public benefits designed to accomplish the purposes of this project. Notwithstanding this requirement, however, the provision of any of the assistance or services listed in subsection (b) shall not be dependent upon the willingness of a qualifying homeless individual to accept or participate in any other assistance or service listed in that subsection.

d) The secretary shall, when entering into contracts with community action agencies, insure that all of the assistance and services available pursuant to the New Start project are provided with sufficient promptness from the date of initial request for such assistance or services to accomplish the goal of allowing qualifying homeless individuals to locate, acquire and establish new homes as expeditiously as possible. The secretary shall provide a system of review so that homeless individuals can appeal any decisions regarding their eligibility, or continuing eligibility, for any of the assistance or services available pursuant to the New Start project.

e) The total assistance provided pursuant to subsections (b)(2) and (b)(3) of this section shall not exceed $1000.00 in cost, and shall be available only as needed to allow qualifying homeless individuals to secure and maintain adequate housing and a suitable living environment; provided that in no event shall such assistance be available to any homeless individual more frequently than once every twelve months.”.

The amendment was rejected.

There being no objection, — Representatives Bump of Braintree and Gibson of Belmont moved that the bill be amended in section 2 by striking out, in item 4406-3000, the figures “33,788,400” and inserting in place thereof the figures “37,180,000”; and the amendment was rejected.

Mr. Turkington of Falmouth then moved that the bill be amended in section 2, in item 2100-2000, by inserting after the word “development;”, in lines 4 and 5, the words “provided further that a sum not to exceed one hundred thousand dollars be expended for the administration of the Martha’s Vineyard Commission;.”. The amendment was rejected.

Mr. Kollios of Millbury then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 398. Chapter 6A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 16 the following new section:

Section 16A. The Executive Office of Health and Human Services, the departments, commissions and offices within it and the department of education are hereby authorized and directed to annually develop a comprehensive family support plan to support
persons with disabilities and chronic illnesses and their family members. Said plan shall initially be reported to the clerks of the house and senate by December 31, 1992 and by every December 31 thereafter. Said plan shall include eligibility criteria, a list of potential individual and family supports, a needs assessment, an implementation schedule, a statement of resource allocation and a cost benefit analysis and shall be based on the following principles:

1. Individual and family supports must build on existing social networks, strengthen the natural sources of support and foster the development of meaningful participation within families and the community;

2. Individuals, or the individual's responsible family member or guardian where the individual is a child or unable to make his or her own decisions, must be the ultimate decision-makers regarding the nature of supports required;

3. Supports should be developed to avert crises rather than in response to crises;

4. Supports must be built on a relationship of respect and trust and should be made available and not imposed;

5. Individuals or families will have the opportunity and the help necessary to develop, direct and monitor the supports that they receive;

6. Supports should be flexible, consistent, reliable, culturally appropriate, responsive to the ever changing life-long and unique needs of the individual and entire family, and accessible;

7. Individual and family support is no single service but is a flexible array of supports used to ensure that persons with disabilities and chronic illness are able to live with their families in their local communities.

There is hereby established 5 district individual and family support council comprised of no less than 7 members appointed by the Governor, all of whom are adults with disabilities or chronic illnesses or have family members with disabilities or chronic illnesses. Said districts shall be established by the Governor to ensure representation for all geographic regions of the commonwealth. Each council shall elect a chairperson and determine which family supports are needed in its area and assist the relevant agencies to plan the development and implementation of those supports.

There is hereby established a statewide Massachusetts Individual and Family Support Council. The Council will be comprised of the chairpersons of the district individual and family support councils and two other members chosen by each district council. The Council will advise the Secretariat and the Department of Education and all relevant agencies in the assessment, incorporation and implementation of the Family Support Plan."

The amendment was rejected.

Mr. Kollios then moved that the bill be amended in section 2, in item 4403-2000, by striking out, in line 9, the word "fifty" and inserting in place thereof the word "seventy-five"; and the amendment was rejected.
Mr. Cohen of Newton then moved that the bill be amended in section 2, in item 1107-2400, by inserting after the word "disability", in line 2, the words "; provided that no less than fifty thousand dollars of the amount appropriated herein shall be expended for arts programs for people with disabilities including, but not limited to festivals, training, advocacy and employment training through the arts"; and by striking out, in said item, the figures "515,210" and inserting in place thereof the figures "565,210".

The amendments were rejected.

Ms. Story of Amherst then moved that the bill be amended in section 2, above item 4530-1000, in "PROGRAM MISSION" by inserting after the word "citizens,"; in line 3, the words "assist in preventing family abuse,"; and in said item by adding at the end of "Program Objectives" the following:

"9. Reimburse Franklin and Hampshire counties for indigent persons participating in batterer treatment programs.
9A. Number of such persons treated"; and by inserting after item 4530-7000 the following item:

"4530-7100 For the administration of certified batterer treatment programs for Franklin and Hampshire counties to reimburse said batterer treatment programs for services provided for court adjudicated indigent clients who are deemed by the court to be unable to pay ...... 50,000".

The amendments were rejected.

Ms. Story then moved that the bill be amended by inserting after section 86A (inserted by amendment) the following section:

"SECTION 86B. Chapter seven of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking section thirty-one A therein and inserting in its place the following section:

Section 31 A. The secretary of administration and finance shall direct each agency, as defined herein, to administer an employee efficiency program, hereinafter referred to as 'the program'. The program may be referred to as the 'Workers Opposed to Waste' program. Under the program, employees may submit recommendations for improving the efficiency of operations of the agency in which they are employed. Said recommendations may include but need not be limited to the elimination, adoption, or revision of certain employee work practices and procedures, paperwork reduction, and the elimination of employee positions through attrition. Said recommendations shall be made in writing and submitted to an agency administrator who holds sufficient authority to implement said recommendation.

Within fifteen days after the submission of a recommendation, an administrator shall determine whether said recommendation will achieve cost savings, improved efficiency, or both, and shall further estimate the cost savings to be achieved by implementation of said recommendation. An administrator shall immediately implement any recommendation which will, according to the determination of
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the administrator, achieve cost savings, improved efficiency, or both; provided, however, that any recommendation which would result in a savings of twenty-five thousand dollars or more, and any recommendation which would impact any other department or agency, and any recommendation which would impact any collective bargaining agreement shall receive approval for implementation from the secretary of administration and finance. Each employee who submits a recommendation shall be notified in writing that said recommendation will or will not be implemented.

A copy of each recommendation submitted by employees shall be filed, with the name or names of employees making said recommendations, the determination of the administrator, the estimated cost savings to be achieved, the method in which all saved funds are to be expended, the date on which said recommendation is implemented, and any awards given pursuant to this section, to the secretary of administration and finance.

For each recommendation which is implemented and which achieves a cost savings, a cash payment award shall be given to the employee or employees which submitted said recommendation. An award to the employee or employees shall be equal to twenty percent of the cost savings achieved in the annual operating budget of the agency through implementation of the recommendation; provided, however, that no employee award for any savings of less than twenty-five thousand dollars shall exceed one thousand dollars; provided, further, that no employee award for any savings of more than twenty-five thousand dollars shall exceed two thousand dollars. An award shall be equally divided between employees in the event that two or more employees submit a recommendation which achieves a cost savings.

An employee may appeal a decision not to implement a recommendation by filing with the appropriate executive officer a copy of said recommendation, a copy of the written notice from an administrator that said recommendation will not be implemented, and a letter of appeal. The appropriate executive officer shall review the recommendation and determine whether said recommendation will achieve cost savings, improved efficiency, or both. The appropriate executive officer shall immediately direct the implementation of any recommendation which will achieve cost savings, improved efficiency, or both. An employee filing an appeal shall be notified in writing of the decision of the executive officer within thirty days. For the purposes of this section, 'executive officer' shall mean the secretary of the executive office under which an employee is employed; or, in the case of a public institution of higher education, the chancellor of the board of regents; or, in the case of any agency not under an executive office or the board of regents, the secretary of administration and finance. In the event that a recommendation was initially submitted to a secretary of an executive office or to the chancellor of the board of regents, an appeal may be filed with the secretary of administration and finance.

The secretary of administration and finance shall every six months submit a summary of all recommendations, with an accounting of
all recommendations implemented, the cost savings achieved, and all awards given, to the committees on ways and means of the House of Representatives and Senate.

No agency, including the secretary of administration and finance, shall authorize or appropriate funds for the hiring of new or additional personnel in order to comply with the provisions of this section.

For the purposes of this section, 'agency' shall mean any central, regional, or local offices or department of the commonwealth, including but not limited to state agencies, boards, commissions, institutions, and quasi-public agencies funded in any part by the commonwealth.

The amendment was rejected.

Mr. Lawless of Orleans then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 398. Notwithstanding any general or special law to the contrary, the department of public welfare, herein known as 'the department,' is hereby authorized and directed to establish a program for homeless families in Barnstable County, who are currently residing in temporary shelter paid for by the department and who have been unable, despite reasonable efforts as required by the regulations of the department, to obtain suitable, permanent, affordable housing within a time period to be determined by the department, not to exceed sixty days, which shall provide temporary shelter through transitional rental allowances. Such transitional rental allowances shall be subject to federal reimbursement under Title IVA of the Social Security Act of 1935.

The amount of the transitional rental allowance payment shall be determined by the department and may vary according to family size; provided, however, that the amount of the transitional rental allowance payable on behalf of each family shall be sufficient to enable a family to pay more than fifty percent of its regular income for shelter costs and shall not exceed six hundred dollars per month in fiscal year nineteen hundred and ninety-three which amount shall be increased effective July first of every subsequent year, by a percentage amount equal to the percentage increase in the United States Consumer Price Index for January first of that year over the level of said index for January first of the previous year.

The transitional rental allowance shall be payable to a family for up to three years, provided that the recipient family complies with the requirements for continued receipt of such allowance promulgated by the department, continues to be eligible for the transitional rental allowance, and has not obtained permanent housing subsidized pursuant to chapter one hundred twenty-one B or any other state or federal permanent subsidy program for families of low income. For each family eligible for this benefit, the department shall have a written case management plan to ensure that the family will have subsidized housing or other income sufficient to afford suitable permanent housing by the date of termination of the transitional rental allowance.

The transitional rental allowance shall be payable as a vendor
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payment, which shall be disregarded in determining countable income under all state and federal programs, and in determining income, eligibility and preference status for public or subsidized housing under all federal and state-funded housing programs. A family receiving a transitional rental allowance shall be considered to be in temporary shelter, and shall not be considered to be in standard, replacement housing. Notwithstanding any other law to the contrary, recipients of transitional rental allowances shall receive first preference for all federal and state-funded housing programs for families of low income, if they are otherwise eligible for such programs. Administrative responsibilities would include housing search, lease negotiations and the institution of local match programs.

The department may, by regulation, define categories of imminently homeless families who shall be eligible for transitional rental allowances, if federal reimbursement is available for such payments and if such payments do not increase expenditures which would otherwise be made on behalf of such families.

The amendment was rejected.

Mr. Clark of Hamilton then moved that the bill be amended in section 2 by inserting after item 4000-0100 the following item:

"4000-0101 For the Massachusetts State Office of Volunteerism, consisting of an executive director and an advisory council to be appointed by and serve at the pleasure of the governor. Said office shall operate a state agency volunteer skills bank for the effective participation of highly skilled volunteers from the private sector in the operation of state government; provided, that a minimum of twenty thousand dollars of non-public funds or volunteer time will be identified and committed to support the bank. The office shall be the central point of information and coordination for all agencies in the executive branch utilizing or needing the services of volunteers. In the event of privatization or restructuring of the current social services delivery system the office shall be actively involved to incorporate volunteers into its key activities and be a full participant, and a lead agency, in the process. The office shall conduct a statewide training program for volunteer practitioners, conduct mini-conferences to introduce the volunteer community in the commonwealth to the office and its staff and plan for and implement a statewide information and referral system. Provided, however, that the office may expend the sum of one hundred eight thousand dollars or the equivalent of three hundred thousand, eight hundred forty dollars in hours of volunteer service within the said
office, and provided further; that the office may expend the sum of forty-five thousand dollars for the statewide training plan for volunteer practitioners, the sum of twenty thousand dollars for the skills bank and the sum of fifty thousand dollars for the plans and implementation of a statewide information and referral system.

The office shall make every effort to leverage private funds for the implementation of the several programs outlined and shall report the results of its leverage efforts to the secretary of administration and the house and senate committees on ways and means and, provided, further that the sums appropriated herein shall expire on June thirtieth nineteen hundred and ninety-three 198,584”.

The amendment was rejected.

Ms. Fox of Boston then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 398. Chapter 585 of the acts of 1986 is hereby amended by striking out Section 3, as most recently amended by Section 130 of Chapter 653 of the Acts of 1989, and inserting in place thereof the following section:

Section 3. The provisions of sections one and two shall cease to be in effect on July first, nineteen hundred and ninety-four. No loans shall be made pursuant to paragraph (e) of section two after December thirty-first, nineteen hundred and ninety-four. Nothing in this section shall be constructed to prevent the collection of any outstanding principal or interest on loans made pursuant to said paragraph (e) on or before December thirty-first, nineteen hundred and ninety-four or of any outstanding excess owed to the authority under clause (4) of paragraph (d) of section two.”.

The amendment was rejected.

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

“SECTION 398. The commissioner of the department of public health or his designee, in consultation with the commissioner of the department of social services or his designee, the commissioner of the department of mental health or his designee, the commissioner of the department of public welfare or his designee, the commissioner of the department of education or his designee and representatives of selected substance abuse treatment facilities, is hereby authorized and directed to design a comprehensive interagency service system of care for substance abusing pregnant and parenting women and their children. Said design shall take into consideration the recommendations of the Coalition on Addiction, Pregnancy and Parenting. Said design shall further examine the requirements and costs, if any, associated with restructuring existing services and service-delivery systems to meet the needs of substance
abusing pregnant and parenting women and their children. The department of public health in consultation with the above-named persons, shall submit a report detailing the findings and recommendations for implementation of a comprehensive network service system to the house and senate ways and means committees on or before April fifteenth, nineteen hundred and ninety-three.”

The amendment was rejected.

There being no objection, — Representatives Fox of Boston, Rushing of Boston, Merced of Boston, Owens-Hicks of Boston, Thompson of Cambridge and Jordan of Springfield moved that the bill be amended by adding at the end thereof the following section:

“SECTION 398. Notwithstanding the provisions of chapter six hundred and thirty-three of the acts of nineteen hundred seventy, chapter five hundred and seventy-eight of the acts of nineteen hundred eighty, chapter two hundred and five of the acts of nineteen hundred eighty-five, chapter one hundred and ninety-nine of the acts of nineteen hundred eighty-seven, chapter one hundred and sixty-four of the acts of nineteen eighty-eight, and chapter seven hundred and twenty-three of the acts of nineteen hundred eighty-three or any general or special law to the contrary, the commissioner of the division of capital planning and operations, for the purpose of development of Roxbury Community College, is hereby authorized to expend funds available in items 7515-7880 of said chapter one hundred ninety-nine, 7515-7891 and 7515-7892 of said chapter one hundred sixty-four, 7515-8711 of said chapter six hundred and thirty-three, 7515-8811 of said chapter five hundred and seventy-eight as amended by said chapter two hundred and five and 7515-8842 of said chapter seven hundred and twenty-three; provided, that funds made available pursuant to this amendment may be expended for capital facilities projects including master planning, studies, preparation of plans, land acquisition, surveys, foundations explorations, repairs, renovations, furnishings and equipment.”

The amendment was rejected.

There being no objection, — Representatives Valianti of Marlborough, Fitzgerald of Boston, Hildt of Amesbury, Gardner of Holliston, Petersen of Marblehead and Resor of Acton moved that the bill be amended in section 2, in item 4130-0002, by striking out, in lines 3 to 8, inclusive, the words “; provided further, that upon receipt of revenues, pursuant to chapter four hundred and sixty-one of the acts of nineteen hundred and ninety-one, by the Children’s Trust Fund, the comptroller is hereby authorized and directed to transfer from said fund to the General Fund an amount equal to the appropriation established by this item”. The amendment was rejected.

There being no objection, — Representatives Fox of Boston, Lambert of Fall River, Owens-Hicks of Boston and Walrath of Stow moved that the bill be amended in section 2 by inserting after item 8901-0011 the following item:

“8901-0012 For the expenses of the Comprehensive Offender Employment Resource System; provided, that
increased emphasis be placed on the provision of services to female offenders, including not more than two positions.

The amendment was rejected.

There being no objection, — Messrs. Kollios of Millbury and Rushing of Boston moved that the bill be amended in section 2, in item 4408-1000 (as amended), by inserting after the word "department", in line 11, the words "provided, that the department is hereby authorized and directed to establish a system for independent physician and vocational review of selected cases following eligibility determination"; and by adding at the end thereof the following section:

"SECTION 398. Section 1 of chapter one hundred and seventeen A of the General Laws is hereby amended by adding after section two the following section: —

Section 2A. (a) Disability determination. The department (i) shall use criteria for assessing functional limitations in widespread use by the medical profession and (ii) shall initially authorize benefits where a medical practitioner has verified that the individual suffers from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by departmental regulations and which substantially reduces or eliminates the individual's ability to support himself or herself.

(b) Disability review. The department shall establish a system for reviewing selected cases where a medical practitioner has provided the verification required by subsection (ii) of paragraph (a). Before determining that a selected case does not meet the criteria established pursuant to paragraph (a), the department shall first obtain all relevant information, including but not limited to test results and medical records, from the provider who verified the impairment and from other providers who have treated the individual and shall offer the individual an opportunity to submit additional medical and vocational evidence. If the department then determines that there is insufficient evidence to establish that the individual meets the criteria established pursuant to paragraph (a), the department shall arrange for examination of the individual by an independent physician and/or a vocational assessment. The department may not terminate benefits unless the independent physician and vocational assessment conclude that the individual does not meet the criteria established pursuant to paragraph (a)."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Forman of Plymouth; and on the roll call 115 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 189 in Supplement.]

Therefore the amendments were adopted.

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

Mr. Speaker: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in my district where I was a featured speaker at the re-opening ceremony of the John F. Kennedy birthplace in Brookline. Had I been present when the vote was taken, I would have voted in the affirmative.

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

There being no objection, — Representatives Walsh of Peabody and Kerans of Danvers moved that the bill be amended by adding at the end thereof the following section:

"SECTION 399. Notwithstanding the provisions of any general or special law to the contrary or any rule or regulation of the board of library commissioners, said board is hereby authorized and directed to reimburse the city of Peabody a sum of one hundred forty-four thousand five hundred and thirty dollars under the provisions of chapter four hundred and seventy-eight of the acts of nineteen hundred and eighty-seven."

The amendment was adopted.

Mr. Cruz of West Bridgewater then moved that the bill be amended in section 2 by inserting after item 7000-9101 the following item:

"Library Construction Reimbursement

7000-9401 For the state reimbursement of the construction of a library in West Bridgewater .................. 186,000".

The amendment was adopted.

There being no objection, — Ms. Gibson of Belmont then moved that the bill be amended in section 2 by striking out, in item 4530-1000, the figures "6,828,608" (inserted by amendment) and inserting in place thereof the figures "7,090,608". The amendment was adopted.

Mr. Collaro of Worcester then moved that the bill be amended in section 2, in item 8000-0130, by adding at the end thereof the following: "; providing further that the County Commissioners of Worcester County are hereby authorized and directed to implement the January 23, 1991 Factfinder's Report and Recommendations concerning IBCO Local 254."

The amendment was adopted.

Mr. Caron of Springfield then moved that the bill be amended in section 2, in item 8400-0050, by inserting after the word "systems", in line 10, the following: "; and provided further, that notwithstanding the provisions of section 17 of this act, the registrar is authorized to charge and collect from other state agencies, authorities and municipalities the reimbursement of actual costs associated with providing and creating motor vehicle records maintained by said division, including but not limited to data entry, report generation, and motor vehicle safety related services, including but not limited to costs for administration, personnel, overtime, fringe benefits, equipment, computer programming and
computer system services; provided that, the division is authorized
to expend without further appropriation amounts so collected on
said actual costs associated with and creating motor vehicle records
and providing motor vehicle safety related services. All charges and
expenditures pursuant to this paragraph shall be subject to the
approval of the secretary of public safety and the secretary of
administration and finance”.

The amendment was adopted.

There being no objection, — Messrs. Tarr of Gloucester and
Palumbo of Newbury moved that the bill be amended by adding
at the end thereof the following section:

“SECTION 400. There shall be established a special commission
consisting of the Secretary of Health and Human Services or his
designee, the Secretary of Administration and Finance or his designee,
the Commissioner of the Department of Revenue or his designee,
the Commissioner of the Department of Welfare or his designee,
to study the feasibility of implementing a gradual phase-out of Aid
for Families with Dependent Children (AFDC), and Emergency
Assistance to the Elderly, Disabled, and Children (EAEDC)
subsidies to individuals who gain employment. The program shall
provide incentives to gain and maintain employment by preventing
the immediate exclusion of persons who gain employment; provided
further, that the program shall include a sliding scale fee for
individuals who are currently ineligible for AFDC or EAEDC, but
whose monthly income is less than the average assistance of the
aforementioned programs. Said plan shall include, but shall not be
limited to, seeking all appropriate federal waivers in order that no
federal reimbursement is jeopardized; provided further, that a cost
benefit analysis juxtaposing the short and long term impact to the
Commonwealth is completed; and further that the commission shall
submit its report and any necessary legislation to the House and
Senate clerks by January first, nineteen hundred and ninety-three.”.

The amendment was adopted.

There being no objection, — Messrs. Karol of Attleboro and
Cahir of Bourne moved that the bill be amended by inserting after
section 58 the following section:

“SECTION 58A. Notwithstanding the provisions of section
sixty A of Chapter 29 of the General Laws or any other general or
special law to the contrary, the secretaries of the executive offices
of administration and finance and transportation and construction
shall direct the department of highways to make available to cities
and towns, the remainder of unobligated funds authorized for town
and country roadway construction and reconstruction in
subparagraph (c) of section three of chapter thirty-three of the acts
of nineteen hundred and ninety-one, on or before August first,
nineteen hundred ninety-two; provided that, as required by said
subparagraph (c) of section three of chapter thirty-three, these funds
shall be reimbursed to the cities and towns within thirty days of
receipt of certified bills from said cities and towns; provided further,
that interest shall be awarded to the cities and towns at an amount
calculated at twelve percent per annum for reimbursements not paid within the thirty days."

The amendment was adopted.

Mr. Magnani of Framingham then moved that the bill be amended in section 2 by striking out item 3145-1000 and inserting in place thereof the following item:

"3145-1000  For the energy assistance program, included but not limited to the purchase of bulk oil; provided, that all funds may be released on or after July 1, 1992 upon certification by the Secretary of Communities and Development that federal funds will likely be available to reimburse expenditure of state funds by the federal government under the Low Income Home Energy Assistance Act of 1981, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) or any amendments or successor acts thereto; and provided that the Secretary of Communities and Development may use any funds released on or after July 1, 1992 to provide for early application and certification of eligible families prior to the onset of the heating season.

And provided further, that upon such reimbursement, that at least two million dollars shall be obligated for the 'one and two person program', so called, and for a program of supplemental energy crisis assistance for low income elders and families to be administered in accordance with the regulations promulgated under said Low Income Home Energy Assistance Act of 1981, or any amendments or successor acts thereto; excluding the income eligibility requirements of said program 15,000,000". The amendment was adopted.

There being no objection, — Messrs. Herren of Fall River and Scaccia of Boston moved that the bill be amended in section 2, in item 4170-0012, by inserting after the word "orange", in line 10, the words "; and provided further, that said centers shall develop a comprehensive housing affordability strategy for veterans and their families".

The amendment was adopted.

Mr. Tarr of Gloucester then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 401. Chapter 175 of the General Laws is hereby amended by adding after section 17 the following section:

Section 17A. The Commissioner shall conduct a study and investigation regarding the non-group health insurance market. The Commissioner shall on or before September first, nineteen hundred and ninety-two, make recommendations for changes including any necessary legislation, to the clerk of the House of Representatives.
The clerk shall forward said recommendations to the Joint Committee on Insurance.

The amendment was adopted.

Mrs. Gray of Framingham then moved that the bill be amended in section 2 by inserting after item 0810-1032 (inserted by amendment) the following item:

“0840-0100 To restore the appropriation for the Victim Witness Assistance Board, to be funded 100% from the Victim Witness Assistance Fund ............... 200,000”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 402. Wherever in section 115 of chapter 6, section 204 of chapter 6, section 34 of chapter 6A, section 16 of chapter 6B, section 1E of chapter 15, section 1H of chapter 15, section 2A of chapter 25, section 6 of chapter 29A, section 3 of chapter 32A, section 3 of chapter 40E, section 1A of chapter 75, section 123 of chapter 94 and section 69H of chapter 164 of the General Laws appear the words ‘Massachusetts State Labor Council, AFL-CIO’, ‘State Labor Council AFL-CIO’, ‘Massachusetts AFL-CIO’ or ‘AFL-CIO’ in any form, such words shall be stricken and replaced by the following words: ‘Massachusetts Trades Building Council’.”

The amendment was adopted.

Ms. Bump of Braintree then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 403. The commissioner of the department of public welfare is hereby directed to devise and evaluate a plan for investing department funds, job training funds, and public and private grants into a welfare reinvestment project which would create permanent employment opportunities for recipients of public assistance. Said plan shall include a cost-benefit analysis identifying all projected costs of the project over a 10-year period, a plan of action necessary to obtain federal waivers and to obtain private sector involvement, an investment analysis, a strategic funding plan, a proposed organizational structure and a start-up timetable.

The commissioner shall report to the general court the results of said study by filing the same with the clerk of the house of representatives on or before December first, nineteen hundred and ninety-two.”

The amendment was adopted.

Mr. Kollios of Millbury then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 404. There is hereby established a special commission for the purpose of studying, and making recommendations for, the enhancement of quality of care in human services provided in the commonwealth through the purchase of service system.

The special commission shall make recommendations relating to the establishment and enforcement of standards to assure quality
of care, including: qualifications, including experience and education, for staff and management; training for staff and management; ethics in service delivery; disclosure of related party transactions; consolidation and simplification of licensing systems, including provision for accreditation bodies; the responsibilities of private human service agencies to consumers and their families; ethnic, cultural, and linguistic diversity of consumers, staff and management in program planning, implementation and participation; and the responsibilities of public and private agencies to communities where human services are provided.

The members of the commission shall consist of three members of the senate appointed by the senate president, one of whom shall be designated by the senate president as senate chairman of the special commission, three members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be designated by the speaker of the house of representatives as the house chairman of the special commission, the secretary of health and human services or his designee, the assistant commissioner of administration and finance for the division of purchased services, the attorney general or his designee, the state auditor or his designee, a union representative employed by a private human service agency who shall be appointed by the governor, and one representative from each of two private human service agencies who shall be appointed by the governor.

The commission shall report its recommendations, including recommendations for legislative and executive action, to the clerk of the senate, the clerk of the house of representatives and the governor not later than December thirty-first, nineteen hundred and ninety-three, provided that the commissioner may from time to time make interim recommendations prior to that date."

The amendment was adopted.

There being no objection, — Representatives Blanchette of Lawrence, Dempsey of Haverhill, Rourke of Lowell, Hildt of Amesbury, Coon of Andover and Palumbo of Newbury moved that the bill be amended by adding at the end thereof the following section:

"SECTION 405. Notwithstanding any general or special law or any rule or regulations or any executive order to the contrary there is hereby established a special commission to study the economic impact of the absence of a sales tax in the state of New Hampshire on the area of the commonwealth known as the Merrimack Valley. Said commission shall hold a series of three hearings, one at Merrimack College in the town of North Andover, a second at the University of Massachusetts at Lowell, and a third at Northern Essex Community College in the city of Haverhill to elicit ideas and establish a plan to address the problems and concerns of the businesses and consumers of the Merrimack Valley as a consequence of the proximity to the border of the state of New Hampshire and the lack of a sales tax therein.

Said commission shall make any recommendations for legislation
together with any remedies to enhance and develop the economic stability of the area known as Merrimack Valley to the House and Senate Ways and Means Committee by the first Wednesday in May of nineteen hundred and ninety-three.

Members of said commission shall be comprised of, but not limited to, the presidents of the five Merrimack Valley Chambers of Commerce or their designees, the House and Senate Chairmen of the Taxation Committee or their designees, the Secretary of Economic Affairs or his designee, the Executive Director of the Merrimack Valley Planning Commission or his designee, the Executive Director of the Lower Merrimack Valley Regional Employment Board or his designee, and the president of the Joint Labor Council of greater-Lawrence and greater-Haverhill or his designee. The state legislative delegation from the Merrimack Valley shall be ex-officio members of said commission.”.

The amendment was adopted.

Ms. Evans of Wayland then moved that the bill be amended in section 170 by inserting after the word “Expenditures”, in line 6, the words “for the Northeast Region”; and the amendment was adopted.

Mr. DeFilippi of West Springfield then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 406. The General Laws are hereby amended by inserting after chapter 64J the following chapter: —

CHAPTER 64K.

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

‘Marijuana’, marijuana, whether real or counterfeit, as defined in section one of chapter ninety-four C, that is held, possessed, transported, transferred, sold or offered to be sold in violation of Massachusetts law.

‘Controlled substance’, any drug or substance, whether real or counterfeit, as defined in section one of chapter ninety-four C, that is held, possessed, or transported, transferred, sold or offered to be sold in violation of Massachusetts law. For the purposes of this act, ‘Controlled substance’ shall not include marijuana.

‘Dealer’, a person who in violation of Massachusetts law manufactures, produces, ships, transports, or imports into Massachusetts or in any manner acquires or possesses more than forty grams of marijuana, or seven or more grams of any controlled substance, or ten or more dosage units of any controlled substance which is not sold by weight. A quantity of marijuana or controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer’s possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.

‘Commissioner’, the commissioner of the department of revenue.

Section 2. The commissioner shall administer this chapter. Payments required by this chapter must be made to the
commissioner on the form provided by the commissioner. Dealers are not required to give their name, address, social security number, or other identifying information on the form. The commissioner shall collect all taxes under this chapter.

Section 3. The commissioner may adopt rules necessary to enforce this chapter. The commissioner shall adopt a uniform system of providing, affixing, and displaying official stamps, official labels, or other official indicia for marijuana and controlled substances on which a tax is imposed.

Section 4. No dealer may possess any marijuana or controlled substance upon which a tax is imposed by section eight unless the tax has been paid on the marijuana or controlled substance as evidenced by a stamp or other official indicia.

Section 5. Nothing in this chapter may in any manner provide immunity for a dealer from criminal prosecution pursuant to Massachusetts law.

Section 6. Nothing in this chapter requires persons lawfully in possession of marijuana or a controlled substance to pay the tax required under this chapter.

Section 7. For the purpose of calculating the tax under section eight, a quantity of marijuana or controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.

Section 8. A tax is imposed on marijuana and controlled substances as defined in section one at the following rates:

1. on each gram of marijuana, or each portion of a gram, three dollars and fifty cents; and
2. on each gram of controlled substance, or portion of a gram, two hundred dollars; or
3. on each fifty dosage units of a controlled substance that is not sold by weight, or portion thereof, two thousand dollars.

Section 9. 1. Any dealer violating this chapter is subject to a penalty of one hundred percent of the tax in addition to the tax imposed by section eight. The penalty will be collected as part of the tax.

1a. In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than ten thousand dollars, or both.

Section 10. Official stamps, labels, or other indicia to be affixed to all marijuana or controlled substances shall be purchased from the commissioner. The purchaser shall pay one hundred percent of face value for each stamp, label, or other indicia at the time of the purchase.

Section 11. When a dealer purchases, acquires, transports, or imports into this state marijuana or controlled substances on which
a tax is imposed by section eight, and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

2. Taxes imposed upon marijuana or controlled substances by this chapter are due and payable immediately upon acquisition or possession in this state by a dealer.

Section 12. 1. An assessment for a dealer not possessing valid stamps or other official indicia showing that the tax has been paid shall be considered a jeopardy assessment or collection. The commissioner shall assess a tax and applicable penalties based on personal knowledge or information available to the commissioner; mail the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax and penalty; demand its immediate payment; and, if payment is not immediately made, collect the tax and penalty by any method available under law.

2. No person may bring suit to enjoin the assessment or collection of any taxes, interest, or penalties imposed by this chapter.

3. The tax and penalties assessed by the commissioner are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the commissioner with the court administrator, or any other certificate by the commissioner of the amount of tax and penalties determined or assessed is admissible in evidence and is prima facie evidence of the facts it contains.

Section 13. 1. Notwithstanding any law to the contrary, neither the commissioner nor a public employee may reveal facts contained in a report or return required by this chapter or any information obtained from a dealer; nor can any information contained in such a report or return or obtained from a dealer be used against the dealer in any criminal proceeding, unless independently obtained, except in connection with a proceeding involving taxes due under this chapter from the dealer making the return.

2. Any person violating this section is guilty of a misdemeanor.

3. This section does not prohibit the commissioner from publishing statistics that do not disclose the identity of dealers or the contents of particular returns or reports.

Section 14. For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the dealer should have made a return or paid taxes, or collecting any taxes under this chapter, the commissioner may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making such determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the dealer or another person. The commissioner may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand
of the commissioner or any examiner or investigator, the clerk of any court shall issue a subpoena for the attendance of a witness or the production of books, papers, records, and memoranda. The commissioner may also issue subpoenas. Disobedience of subpoenas issued under this chapter is punishable by the district court of the district in which the subpoena is issued, or, if the subpoena is issued by the commissioner, by the district court of the district in which the party served with the subpoena is located, in the same manner as contempt of district court.”.

The amendment was adopted.

Mr. Cass of Wakefield then moved that the bill be amended by inserting after section 249 the following section:

“SECTION 249A. Section 14 of chapter 499 of the acts of 1991 is hereby amended by adding the following subsection: —

(c) The provisions of this section shall not apply to the Massachusetts Water Resources Authority.”; and by adding at the end thereof the following section:

“SECTION 407. Section 249A shall take effect as of December thirty-first, nineteen hundred and ninety-one.”.

The amendments were adopted.

There being no objection, — Representatives Hildt of Amesbury and Palumbo of Newbury moved that the bill be amended in section 2, in item 8800-0100, by inserting after the word “agency”, in line 2, the following: “and for the administration of a program to evaluate, develop and implement radiological emergency response plans, and to conduct environmental radiological monitoring concerning nuclear power plants, pursuant to section ( ) of this act;”; and in said item by striking out the figures “453,794” and inserting in place thereof the figures “774,794”.

The amendments were adopted.

Mr. Cohen of Newton then moved that the bill be amended in section 2, in item 2000-0100, by inserting after the word “control”, in line 6, the words “; provided that the secretary of the executive office of environmental affairs is hereby authorized to enter into inter-agency agreements with any other of those agencies within the executive office of environmental affairs whereby the department may render data processing services to said agencies; provided further that the comptroller is hereby authorized to allocate the costs of such data processing services to the several state and other funds to which items of appropriation of such other agencies are charged”.

The amendment was rejected.

Mr. Lawless of Orleans then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 408. Notwithstanding any general or special law to the contrary, the department of environmental protection, hereinafter known as the department, is hereby authorized and directed to expend a sum not to exceed thirty thousand dollars for the creation of a definitive map of the town of Provincetown coastline which shall distinguish the historic high water mark between the Cape Cod National Seashore and Howland Street along
The commonwealth tidelands of said town. Such map shall include specifications to comply with regulations, as promulgated by the department, pursuant to chapter ninety-one of the General Laws.

The amendment was adopted.

Mr. DeFilippi of West Springfield then moved that the bill be amended by striking out section 51 and inserting in place thereof the following section:

"SECTION 51. The department of public welfare is hereby authorized and directed to develop and implement a plan for a clothing voucher system. Said plan shall include, but not be limited to, the pursuit of federal waivers that may be necessary to implement such a system and a determination of businesses that would establish clothing vouchers. A clothing voucher system shall be implemented by November 30, 1992."

The amendment was adopted.

Mr. Valianti of Marlborough then moved that the bill be amended by inserting after section 40 the following section:

"SECTION 40A. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental management is hereby authorized and directed to undertake a full rehabilitation of the Fort Meadow Dam in the city of Marlboro during the fiscal year nineteen hundred and ninety-three."

After remarks the amendment was adopted.

There being no objection, — Messrs. Cohen of Newton and Kolios of Millbury moved that the bill be amended in section 2, in items 4402-4100, 4402-4200, 4402-4500 and 4402-4600, by adding at the end thereof, in each instance, the words "; provided that the regulations, criteria and standards of the medical assistance program of the department of public welfare for determining eligibility for personal care attendant services shall not be more restrictive than those regulations criteria and standards in effect on January first, nineteen hundred and ninety-two".

After debate the amendments were adopted.

There being no objection, — Representatives Cohen of Newton, Fitzgerald of Boston, Buell of Greenfield and Menard of Somerset moved that the bill be amended in section 2, in item 4000-0200, by inserting after the word "item;", in line 8, the words "provided further, that the department of public welfare shall enter into an interagency service agreement with the department of social services for the management of the contracted child care program including the allocation of funds for this program; provided further, that the department of public welfare shall purchase not less than one thousand five hundred contract slots through the department of social services;"; in item 4000-0210, by inserting after the word "expenditures;", in line 9, the words "provided further, that the total number of contracted and subsidized day care slots in fiscal year nineteen hundred and ninety-three, including those purchased through the department of social services, shall not be less than ten thousand five hundred income eligible contracts; provided further, that the staff to children child care, ratios shall equal the staff to
General Appropriation Bill.

children ratios of the office for children for fiscal year nineteen hundred and ninety-two; provided further, that not less than four million five hundred thousand dollars shall be expended for services to teen parents and their children; provided further, that not less than one hundred thousand dollars shall be expended on a pilot program of front end management in at least two service areas of the department of social services;"], and in said item by striking out the figures "27,300,000" and inserting in place thereof the figures "33,876,072"; in section 2A, in item 4000-0702, by adding at the end thereof the following: "; provided, that not less than nine million one hundred forty thousand one hundred dollars be expended for the purchase of contracted child care for income eligible working families not eligible for transitional child care as defined in Title IV-F of the Social Security Act; provided further, that not less than four hundred ninety-two thousand nine hundred dollars be expended for the provision of operating support for community-based child care resource and referral programs; provided further, that not less than one hundred and seventy-five thousand dollars shall be expended for child care services to disabled persons; and provided further, that not less than fifty thousand dollars shall be expended to provide mainstreaming and technical assistance for providers serving children with disabilities or special needs"; in section 2, in item 4099-1510, by striking out the figures "10,486,790" (inserted by amendment) and inserting in place thereof the figures "5,910,718"; in item 4130-0005 by inserting after the word "services;" in line 2, the words "provided further, that before issuing a new license to any provider, the office shall inspect said provider's center, facility, or home; provided further, that the office shall notify providers of any change to regulations at least semiannually; provided further, that the office shall develop and distribute to child care providers and to child care resource and referral agencies, public information materials on the availability and quality of child care services;"; in section 2A, in item 4407-9070, by adding at the end thereof the words "; provided, that not less than three million four hundred and eight thousand dollars shall be expended for the purchase of contracts to provide child care to persons who are at risk of becoming eligible for benefits under the aid to families with dependent children program; provided further, that not less than two hundred thousand dollars shall be expended for information and referral services to child care resource and referral agencies; and provided further, that not less than two hundred thousand dollars shall be expended to provide training through community based child care resource and referral agencies"; and by adding at the end thereof the following three sections:

"SECTION 409. The department of social services and the department of public welfare shall in consultation with the executive office of health and human services shall establish continuity of care policies for children receiving child care services.

SECTION 410. Notwithstanding the provisions of any general or special law to the contrary, funds appropriated in addition to the amount necessary to purchase the number of contracted child care slots provided for in this act for recipients of aid under the federal
Family Support Act and the commonwealth's income eligible child care program shall be appropriated for voucher child care, until such time as the number of children receiving state subsidized child care through contracts equals the number of such children who receive such care through vouchers.

SECTION 411. Notwithstanding any general or special law to the contrary, the department of social services shall award rollover contracts for a number of slots of child care, for income eligible clients, that equals the difference between the total number of contracted child care slots purchased by the department of social services through the request for proposals made by the department of social services on February twenty-first, nineteen hundred and ninety-two, as amended March third, nineteen hundred and ninety-two, plus the number of contract slots purchased on behalf of the department of public welfare through the interagency agreement set forth in line item 4401-2000 and 10,875 contracts. The child care rollover contract slots awarded by the department of social services shall be awarded without open and competitive procurement by amendment of contracts awarded by the department of social services during fiscal year nineteen hundred and ninety-two. All such rollover contracts shall expire on September first, nineteen hundred and ninety-two, at which time the department of social services shall award a number of contracts, for slots equal to the number of rollover contract slots, to those bidders that submitted completed bids under said request for proposal process and those providers that held contracts to provide child care during the fiscal year ending June thirtieth, nineteen hundred and ninety-two.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Forman of Plymouth; and on the roll call 109 members voted in the affirmative and 38 in the negative.

[See Yea and Nay No. 190 in Supplement.]

Therefore the amendments were adopted.

Mr. Finneran of Boston then moved that the bill be amended by striking out section 284 (as printed) and inserting in place thereof the following section:

"Effective Dates.

SECTION 412. Except as otherwise provided in this act, the provisions of this act shall take effect July first, nineteen hundred and ninety-two and ninety-two.”.

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 123 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 191 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Finneran of Boston then 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. 5700, printed as amended) then was sent to the Senate for concurrence.
Order.

On motion of Mr. Voke of Chelsea, —

Ordered, That when the House adjourns today (Friday, May 29), it adjourn to meet on Tuesday next at eleven o’clock A.M.; when the House adjourns on Tuesday, it adjourn to meet on Wednesday next (June 3) 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.

Mr. McDonough of Boston then moved that as a mark of respect to the memory of Thomas H. Carr, a member of the House from Boston (Jamaica Plain) from 1927 to 1930, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at eleven minutes before three o’clock P.M. (Friday, May 29) (the Speaker being in the Chair), the House adjourned, to meet on Tuesday next at eleven o’clock A.M., in an Informal Session.