Monday, November 2, 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:

Gracious God, we pause for a moment of prayer to thank You for the material and spiritual blessings which You give us daily and for the benefits which we enjoy as citizens of this country. Inspire us to work together to make our communities safe, open to all and caring for the well-being of all segments of society. Teach us to respect the human and civil rights of all, the personal dignity of all, and the views of others even when we disagree on issues. Grant us the courage to be committed to our own political, philosophical and religious views and values even in the face of criticism.

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 Mr. Constantino of Clinton) on the occasion of Clinton’s Germantown Heritage Weekend, November seventh and eighth, nineteen hundred and ninety-two; and
- Resolutions (filed by Mrs. McKenna of Holden) on the occasion of National Education for Business Week, November eighth through fourteenth, nineteen hundred and ninety-two;

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

Annual Report.

The annual report of the Massachusetts Corporation for Telecommunications (under Section 6 of Chapter 560 of the Acts of 1982) for the fiscal year ending June 30, 1992 (including financial statements), was placed on file.

Paper from the Senate.

A petition (accompanied by bill, House, No. 6172) of Jeffery J. Hayward and Edward J. Clancy, Jr., for legislation to expedite the collection of local property taxes, referred by the House, under
suspension of Joint Rule 12, to the committee on Taxation, came from the Senate referred, in non-concurrence, to the committee on Local Affairs.

The House receded from its reference, on motion of Mr. Hayward of Lynn; and the petition was referred, in concurrence, to the committee on Local Affairs.

Emergency Measure.

The engrossed Bill relative to the terms of certain bonds to be issued by the Commonwealth (see House bill printed in House, No. 6136), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

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

Engrossed Bills.

Engrossed bills
Authorizing Hampden County to refund certain notes (see House, No. 6067, changed); and
Authorizing the towns of Bellingham and Blackstone to enter into agreements with the city of Woonsocket in the state of Rhode Island for the treatment and disposal of wastewater (see House, No. 6100); (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.

Order.

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

At twenty-four minutes before twelve o'clock noon, on motion of Mr. Brett of Boston, the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
Thursday, November 5, 1992.

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

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

God, our Creator, we, Your sons and daughters, depend upon You for the wisdom and courage to serve You and our constituents faithfully. In these changing times may we, as a people, select priorities and goals which are achievable, rational and ethical to meet the needs of the people. Bestow upon us the good sense to make political philosophies, personal judgments and decisions which best serve the common good. Teach us to familiarize ourselves with past history as we plan for the future of the people, our communities and the Commonwealth.

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

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

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill establishing a sick leave bank for a certain employee of the Trial Court of the Commonwealth [see House, No. 6162] (for message, see House, No. 6183) was filed in the office of the Clerk on Wednesday, November 4.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the Bill was referred, on motion of Mr. Gannon of Boston, to the committee on Bills in the Third Reading.

Resolutions.

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

Resolutions (filed by Mr. Voke of Chelsea) congratulating Nicholas Powers for receiving the most honorable rank of Eagle Scout; and
Resolutions (filed by Mr. McDonough of Boston) honoring Reverend John Roussin on the occasion of his departure as Pastor of Saint Mary of the Angels Church in Roxbury;

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

Annual and Special Report.

The annual report of the Merrimack Valley Regional Transit Authority (under section 8(g) of Chapter 161B of the General Laws) of its operations for the fiscal year ending June 30, 1992; and

A report of the Secretary of Education in conjunction with the Higher Education Coordinating Council (under Section 46 of Chapter 142 of the Acts of 1991 as amended by Section 13 of Chapter 69 of the Acts of 1992) concerning the definition of tuition and fees in institutions of public higher education in the Commonwealth;

Severally placed on file.

Petitions.

Petitions severally were presented and referred as follows:
By Mr. McDonough of Boston, petition (accompanied by bill, House, No. 6181) of John E. McDonough (with the approval of the mayor and city council) for legislation to authorize the city of Boston to convey certain parcels of land located on Lamartine Street in the Roxbury and West Roxbury districts of said city; and

By Mr. Tarr of Gloucester, petition (accompanied by bill, House, No. 6182) of Bruce E. Tarr, William Rafter, Jr. (mayor), Robert C. Buell and another (with the approval of the mayor and city council) for legislation to authorize the city of Gloucester to pay a certain unpaid bill;

Severally 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 Edward G. Connolly relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of veterans' affairs in the Commonwealth.

By Mr. Cox of Lowell, petition (subject to Joint Rule 12) of John F. Cox for legislation to establish a sick leave bank for Mary Rae Sirois, an employee of the Department of Social Services.

By Mr. Haley of Weymouth, petition (subject to Joint Rule 12) of Paul R. Haley relative to the sewage charges imposed by the Water Resources Authority on cities and towns.

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

A petition of Bill Owens that provision be made to revive and continue the special commission established to make an investigation and study relative to health services for minorities, came from the Senate referred, under suspension of Joint Rule 12, to the committees on Rules of the two branches, acting concurrently.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by resolve, Senate, No. 1736) was referred, in concurrence, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

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 Elizabeth H. Renaghan relative to the licensing of dogs. Under suspension of Rule 42, on motion of Mr. Turkington of Falmouth, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Counties. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill designating the reconstructed state boat ramp on the Back River in the town of Weymouth as the Joseph F. Carven, Sr. Boat Ramp (see House, No. 5985, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Draisen of Boston, —

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

At ten minutes after eleven o'clock A.M., on motion of Mr. Draisen (Mr. Serra of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.
Monday, November 9, 1992.

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

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

God, Our Creator, we pause for a moment of prayer to reflect on our relationship with You and to thank You for Your material and spiritual gifts. On Wednesday we observe Veterans Day, a national holiday, on which we remember the generous and heroic contributions of the women and men who served in the armed forces. We, as a people, are grateful to them and to their families for their sacrifices. We remember the veterans who have died and we should continue to help those who are living.

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

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

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to the terms of certain notes to be issued by the Commonwealth (House, No. 6184) was filed in the office of the Clerk on Thursday, November 5.

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

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill establishing a sick leave bank for Adeline Pompeo an employee of the Trial Court of the Commonwealth [see House, No. 6151] (for message, see House, No. 6185) was filed in the office of the Clerk on Friday, November 6.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Morrissey of Quincy, to the committee on Bills in the Third Reading.
Subsequently Mr. Cox of Lowell, for said committee, reported recommending that the amendment recommended by His Excellency be considered in the following form:

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

"Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for superior court officer Adeline Pompeo. Each employee of the trial court of the commonwealth may voluntarily contribute one or more of his personal or vacation days to said sick leave bank for use by said Adeline Pompeo."

Under suspension of Rule 42, on motion of Mr. Morrissey, the amendment recommended by His Excellency the Governor was considered forthwith; and it was adopted. Sent to the Senate for its action.

Resolutions.

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

- Resolutions (filed by Messrs. Businger of Brookline and Draisen of Boston) honoring the Honorable Lawrence D. Shubow, First Justice of the Brookline District Court, on the occasion of his retirement;
- Resolutions (filed by Mrs. Murray of Cohasset) honoring Virginia Williams, Hingham's Welcome Wagon Lady;
- Resolutions (filed by Mr. Travis of Rehoboth) congratulating Matthew Drane on earning the prestigious rank of Eagle Scout;
- Resolutions (filed by Mr. Travis of Rehoboth) congratulating James Peloquin on earning the prestigious rank of Eagle Scout; and
- Resolutions (filed by Mr. Travis of Rehoboth) congratulating Benjamin Wilson Sammis 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. Businger, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Bi-monthly Report.

A bi-monthly report of the Executive Office of Transportation and Construction (under Section 178 of Chapter 653 of the Acts of 1989) submitting an account of the costs incurred in connection with the depression of the Central Artery and the construction of a third harbor tunnel project, was sent to the Senate for its information.

Petitions.

Petitions severally were presented and referred as follows:

- By Mr. Cruz of West Bridgewater, petition (accompanied by bill, House, No. 6187) of John F. Cruz (by vote of the town) relative
to the appointment of the treasurer-tax collector in the town of West Bridgewater;

By Mr. Gonsalves of Dartmouth, petition (accompanied by bill, House, No. 6188) of Leonard Gonsalves (by vote of the town) for legislation to establish the position of executive administrator in the town of Dartmouth; and

By Mr. Hodgkins of Lee, petition (accompanied by bill, House, No. 6189) of Christopher J. Hodgkins (by vote of the town) relative to the qualifications for the position of town administrator in the town of Becket;

Severally to the committee on Local Affairs.

By Mr. DeFilippi of West Springfield, petition (accompanied by bill, House, No. 6190) of Walter A. DeFilippi (by vote of the town) for legislation to exempt certain positions in the town of West Springfield from the provisions of civil service law. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Goguen of Fitchburg, petition (subject to Joint Rule 12) of Emile J. Goguen (with the approval of the mayor and city council) for legislation to authorize the city of Fitchburg to establish a retirement system funding schedule.

By Mr. Peters of Charlton (by request), petition (subject to Joint Rule 12) of S. Douglas Lazo for legislation to require state welfare offices to rotate to a different city or town in the district at least every five years.

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

_Paper from the Senate._

The House Bill further regulating manufactured housing communities (House, No. 6075) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following section:

"SECTION 21. Sections fourteen, fifteen and sixteen of this act shall apply to pending and future notices of discontinuances."

Under suspension of the rules, on motion of Mr. Pacheco of Taunton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

_Reports of Committees._

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Paul E. Caron and Mary Jane Gibson relative to the requirements for reports of injured children. To the committee on Human Services and Elderly Affairs.
Petition (accompanied by bill) of Peter Forman for legislation to exempt the Plymouth/Carver Regional School District from its teachers' salary deferral for fiscal year nineteen hundred and ninety-three. To the committee on Local Affairs.

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

By Mr. Scaccia of Boston, for the committee on Taxation, on a petition, a Bill increasing the time in which real property owned by the Central County Development Corporation may be exempt from taxation by the city or town in which it is located (House, No. 1813). Read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bill.

The engrossed Bill authorizing the town of North Andover to issue bonds for the acquisition of a sewer system and pump station building and equipment and interests in land (see House, No. 6107) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Flaherty of Cambridge,

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

At a quarter after eleven o'clock A.M., on motion of Mr. Flaherty (Mr. Finneran of Boston being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
IN JOINT SESSION.

Monday, November 9, 1992.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

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

JOINT SESSION

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

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Boverini, at six minutes past two o'clock P.M., the joint session was recessed until two o'clock P.M. on Monday, November 16.
Thursday, November 12, 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 believe that You have a personal interest in each one of us. Help us to respond to Your concern by living up to Your expectations, values and precepts. During these days of transition in the national government may we, as a people, work together on an agenda and direction which respects the rights, talents and dignity of all. By our commitment to the common good, may we plan for a future in which all share more fully in the material blessings which we enjoy in this country and state.

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

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

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to improving the economic security of the children of the Commonwealth (House, No. 6195) was filed in the office of the Clerk on Tuesday, November 10.

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

Resolutions.

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

Resolutions (filed by Messrs. Voke of Chelsea and Connolly of Everett) congratulating Martha Otis on the occasion of her one hundredth birthday;

Resolutions (filed by Mr. DeFilippi of West Springfield) honoring Shannon Pelchar on receiving the nineteen hundred and ninety-one, and nineteen hundred and ninety-two New England Safety and Insurance Collaborative Safety Award;

Resolutions (filed by Ms. Gibson of Belmont) honoring the First Armenian Church of Belmont on the one hundredth anniversary of its founding;

Resolutions (filed by Mrs. Harkins of Needham) recognizing and honoring Stacey Kabat for her achievements in the domestic violence field;

Resolutions (filed by Messrs. Kennedy of Brockton and Mara of Brockton) on the occasion of Joe LeMar Day in the city of Brockton;
Resolutions (filed by Mr. Nagle of Northampton) honoring Colonel George Keefe on the occasion of his civilian retirement from the 104th Fighter Group, Massachusetts Air National Guard;

Resolutions (filed by Mrs. Rogeness of Longmeadow) on the occasion of the dedication of the “Iris Holland Wing” at the Greenwood Park Center in the town of Longmeadow;

Resolutions (filed by Mr. Sullivan of Abington) congratulating Robert J. Johnson on his many accomplishments; and

Resolutions (filed by Mrs. Walrath of Stow) commending Claire M. Mulready 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 Mrs. Harkins, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Wednesday, December 2, within which to make reports on all matters referred to them.

Mr. Flaherty of Cambridge, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of the same member, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Communication.

A communication from the Sterling Suffolk Racecourse Limited Partnership (under Section 2 of Chapter 128C of the General Laws) submitting a copy of executed contracts entered into by said limited partnership relative to the simulcasting of horse races, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Hodgkins of Lee, petition (accompanied by bill, House, No. 6192) of Christopher J. Hodgkins (by vote of the town) relative to recall elections in the town of Sheffield. To the committee on Election Laws.

By Ms. Buell of Greenfield, petition (accompanied by bill, House, No. 6193) of Carmen D. Buell (by vote of the town) relative to certain changes in the charter of the town of Greenfield; and

By Mr. Koczera of New Bedford, petition (accompanied by bill, House, No. 6194) of Robert M. Koczera and William Q. Mac-
Lean, Jr. (by vote of the town) relative to the community planning commission of the town of Acushnet;  
Severally to the committee on Local Affairs.  
Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:  
By Mr. Hawke of Gardner, petition (subject to Joint Rule 12) of Robert D. Hawke, Mary Jane McKenna and Robert D. Wetmore for legislation to authorize the Department of Highways to designate a certain bridge in the town of Templeton as the Second Lt. William D. Ordway/Vietnam Veterans Memorial Bridge.  
By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes relative to the accelerated closure of solid waste disposal facilities and sites.  
By the same member, petition (subject to Joint Rule 12) of Frank M. Hynes relative to groundwater protection and municipal landfills.  
By the same member, petition (subject to Joint Rule 12) of Frank M. Hynes relative to providing effective and financially feasible environmental protection.  
By Mr. Magnani of Framingham, petition (subject to Joint Rule 12) of David P. Magnani for legislation to establish school based nutrition and childhood hunger relief programs.  
Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill relative to homelessness in Barnstable County (printed as House, No. 6180) (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.

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) was referred, in concurrence, as follows.  
A petition of William Q. MacLean, Jr., for legislation to authorize the Department of Environmental Management to lease certain land and improvements to the New Bedford Harbor Development Commission, came from the Senate referred, under suspension of Joint Rules 12 and 9, to the committee on Natural Resources and Agriculture.  
The House then concurred with the Senate in the suspension of said rules; and the petition (accompanied by bill, Senate, No. 1737) was referred, in concurrence, to the committee on Natural Resources and Agriculture.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:
Petition (accompanied by bill) of Paul J. Gannon relative to lump sum agreements for workers’ compensation. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Thomas P. Walsh relative to the crime of carjacking, so-called. To the committee on Criminal Justice.

Petition (accompanied by bill) of Ellen Story and Stanley C. Rosenberg (by vote of the town) relative to the room occupancy excise tax in the town of Amherst. To the committee on Taxation.

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

By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill to increase the salary of the mayor of the city of Medford (House, No. 6166), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Giglio of Medford, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: An Act increasing the salary of the mayor of the city of Medford. Sent to the Senate for concurrence.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill directing the State Boston retirement board to retire Russell F. Fisher, a police officer of the city of Boston (House, No. 5526), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Finneran of Boston, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: An Act authorizing the State Boston retirement system to retire Russell F. Fisher, a police officer of the city of Boston. Sent to the Senate for concurrence.

By Mr. Rushing of Boston, for the committee on Local Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 6172) of Jeffery J. Hayward and Edward J. Clancy, Jr., for legislation to expedite the collection of local property taxes, — 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. Blanchette of Lawrence, for the committee on Public Service, on House, No. 5714, a Bill 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 or serious bodily injury (House, No. 6191). Read; and referred, under Rule 33, to the committee on Ways and Means.
By Mr. Rushing of Boston, for the committee on Local Affairs, on a petition, a Bill providing for discontinuance permits for mobile home parks in the town of Raynham (House, No. 6080) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill providing for the establishment and administration of rent regulations and the control of evictions in mobile home parks in the town of Raynham (House, No. 6081, changed in section 2 by inserting after the word "accommodations", in line 9, the words "provided, however, that any such by-law shall not apply to any mobile home park which is resident owned"; and by inserting after the word "accommodations.", in line 12, the following sentence: "The board of selectmen shall appoint, but shall not serve as, members of the rent board.") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the open air vending of goods, wares and merchandise, from one location in the city of Somerville (House, No. 6105) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a Plymouth promotions fund in the town of Plymouth (House, No. 6106) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a liability insurance fund for the water department of the city of Springfield (House, No. 6108) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Rockport to lease a certain building for fifty-five years (House, No. 6137, changed in section 1 by striking out the sentence contained in lines 7, 8 and 9) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Rockland (House, No. 6139, changed by striking out section 3 and inserting in place thereof the following section: "SECTION 3. This act shall take effect upon acceptance by the voters of Rockland at the next special or general election.") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Rockland (House, No. 6140) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending the charter of the town of Rockland (House, No. 6141) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Nantucket and the county of Nantucket to adopt a consolidated charter (House, No. 6152) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill for a special petition to revise city of Boston contracting procedures (House, No. 6160) [Local Approval Received].

Raynham,—mobile home parks.

Id.

Somerville,—vendor licensing.

Plymouth,—promotions fund.

Springfield,—water department.

Rockport,—school building.

Rockland,—tree warden.

Rockland,—town meeting.

Id.

Nantucket,—charter.

Boston,—contracting procedures.
Everett,—
treasurer.

Brookline,—
retirement system.

Peabody,—
retirement system.

Port Authority,—
payment to cities and towns.

Worcester,—
health and hospitals authority.

By the same member, for the same committee, on a petition, a Bill relative to the position of city treasurer in the city of Everett (House, No. 6165) [Local Approval Received].

By Mr. Blanchette of Lawrence, for the committee on Public Service, on House, No. 6063, a Bill to establish a funding schedule for the town of Brookline contributory retirement system (House, No. 6198) [Local Approval Received].

By Ms. Kerans of Danvers, for the same committee, on a petition, a Bill to establish a funding schedule for the city of Peabody retirement system (House, No. 6043) [Local Approval Received].

Mr. Serra of Boston, for the committees on Rules of the two branches, acting concurrently, to whom was referred the Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the administration and operation of various agencies, boards, commissions and authorities of the Commonwealth and political subdivisions thereof (House, No. 5620) reports, in part, a Bill directing certain payments to cities and towns by the Massport Authority (House, No. 3441).

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

By Mr. Rushing of Boston, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 5990) of Jordan Levy (mayor), Kevin O'Sullivan, Andrew Collaro, David J. Lionett, William J. Glodis, Jr., John J. Binienda, Matthew J. Amorello and others (with the approval of the mayor and city council) relative to the health and hospitals authority of the city of Worcester. Placed in the Orders of the Day for the next sitting, the question being on acceptance.

Manufactured housing communities.

The engrossed Bill further regulating manufactured housing communities (see House, No. 6075, 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 5 to 0. Sent to the Senate for concurrence.

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

Emergency Measure.

Orders of the Day.

The Senate Bill relative to the Millers Falls Fire and Water District (Senate, No. 1507), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.
The Speaker being in the Chair, —
House bills
Relative to the position of town manager in the town of Hull (House, No. 5636); and
Authorizing any city or town to establish a special fund for the celebration of its settlement or incorporation (House, No. 5739, amended);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time, and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

Mr. Pacheco of Taunton being in the Chair, — at sixteen minutes after eleven o'clock A.M., the Chair declared a recess subject to the call of the Chair, there being no objection; and at eighteen minutes before twelve o'clock noon the House was called to order with Mr. Pacheco in the Chair.

Engrossed Bill.

The engrossed Bill increasing the salary of the mayor of the city of Medford (see House, No. 6166) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

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

At seventeen minutes before twelve o'clock noon, on motion of Mr. Flaherty (Mr. Pacheco of Taunton being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.

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

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

God, Our Creator, we pray for the wisdom and enthusiasm to evaluate and to address the issues which come before us today and in the days ahead. As elected leaders, teach us to be aware of the rights of all people and to stir-up in their hearts a sense of personal responsibility for their actions. In meeting the human needs of people in our districts, may we be sensitive to their spiritual dimensions as well. By our commitment to excellence in all areas of human endeavor, help us to unite all constituencies in pursuing goals which enhance the quality of life for all and the common good.

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

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

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing Hampden County to refund certain notes [see House, No. 6067, changed] (for message, see House, No. 6201) was filed in the office of the Clerk on Thursday, November 12.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

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

Resolutions.

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

- Resolutions (filed by Mr. Blanchette of Lawrence) in memory of Captain Timothy Deasy;
- Resolutions (filed by Ms. Hornblower of Groton) honoring Ellen Swallow Richards on her many accomplishments;
- Resolutions (filed by Mr. Kafka of Sharon) honoring W. R. "Rod" Speirs in recognition of his many contributions to scouting, rotary and the town of Sharon;
Resolutions (filed by Mr. Karol of Attleboro) congratulating Calvin Archard on being named “Person of the Year” by the Chamber of Commerce of the Attleboro Area; and

Resolutions (filed by Mr. Manning of Milton) honoring John A. Cronin on the occasion of his retirement from the Boy Scouts of America after forty-four years of service;

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

Order.

Before proceeding to consideration of the matters in the Orders of the Day, Mr. Forman of Plymouth presented the following order (House, No. 6202):

Ordered, That the House of Representatives, under authority of Part the Second, Chapter I, Section III, Article X of the Constitution, hereby declares it to be its judgment that John C. McNeil of Malden, the Representative from the Thirty-sixth Middlesex District, lacks the necessary qualifications for a Representative and is not competent to continue the responsibilities or discharge the trusts inherent to service in the General Court; and be it further

Ordered, That said John C. McNeil be forthwith expelled and that the office of Representative from the Thirty-sixth Middlesex District be and is hereby declared vacated.

Pending the question on adoption of the order, further consideration thereof was postponed, on motion of Mr. Forman, until the hour of one o’clock P.M.

Subsequently, the noon recess having terminated, the order was considered further, pending which, Mr. Cohen of Newton moved that it be referred to the committee on Ethics; and after debate the order was referred to said committee.

Special Report.

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

Papers from the Senate.

The House 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) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Striking out the paragraph contained in lines 1 to 8, inclusive, and inserting in place thereof the following paragraph:
"The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey in fee simple by deed approved as to form by the attorney general a certain parcel of land located in the town of Hadley, to John F. Koloski and Phyllis P. Koloski subject to such terms and conditions as said commissioner may prescribe in consultation with the department of environmental management.", and inserting after the word "less.", in line 28, the following paragraph:

"Together with a fifteen foot wide right of way to pass and repass, by foot or vehicle, and to use said right of way for all purposes permitted by the Hadley zoning by-law and other local, state, and federal law. This right of way shall be appurtenant to and run with the property of John F. Koloski and Phyllis P. Koloski as conveyed in the deed of Frank Koloski recorded in Hampshire county registry of deeds at Book 1393, Page 495 and the property to be conveyed by the division of capital planning and operations pursuant to the authorization contained herein, to be shown on the plan described below."

Under suspension of Rule 35, on motion of Miss O’Brien of Easthampton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) were considered forthwith; and they were adopted, in concurrence.

A petition (accompanied by bill, Senate, No. 1739) of James P. Jajuga and Arthur J. Broadhurst (by vote of the town) for legislation to provide for the election of a mayor in the city known as the town of Methuen, and to limit the terms of town councillors, 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. 1740) of William R. Keating and Michael P. Walsh for legislation to make technical changes to the home improvement contractor law. To the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 1741) of William R. Keating and Richard R. Tisei for legislation to provide for distinctive license plates for members of the Ancient and Honorable Artillery Company. To the committee on Public Safety.

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 Emile J. Goguen (with the approval of the mayor and city council) for legislation to authorize the city of Fitchburg to establish a retirement system funding schedule. To the committee on Public Service.
Petition (accompanied by resolve) of Edward G. Connolly relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of veterans' affairs in the Commonwealth. To the committees on Rules of the two branches, acting concurrently.

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

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on House, No. 4893, an Order relative to studying authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of a certain House document concerning eligibility for Medicaid (House, No. 6199). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill improving the administration and management of the Trial Court of the Commonwealth (House, No. 5944) ought to pass with an amendment substituting therefor a Bill improving the administration and management of the judicial system of the Commonwealth (House, No. 6210). Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on House, No. 2281, a Bill relative to life care, continuing care and certain other residential long term care services for the elderly (House, No. 6207).

By Mr. Finneran of Boston, for the committee on Ways and means, on House, Nos. 5548, 5549, 5550, 5551, 5552 and 5553, a Bill making appropriations for salary increases for employees of the Commonwealth covered by certain collective bargaining agreements (House, No. 6208) [Representative Hornblower of Groton dissenting] [Cost: $46,219,150.00].

By the same member, for the same committee, on House, No. 5670, a Bill making an appropriation to fund a certain collective bargaining agreement between the Commonwealth and the Massachusetts Correction Officers Federated Union — Unit 4 (House, No. 6209) [Cost: $3,000,000.00].

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

Engrossed Bill.

The engrossed Bill relative to the Millers Falls Fire and Water District (see Senate, No. 1507) (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.

*Engrossed Bills — Land Takings.*

The engrossed Bill authorizing the city of Boston to take an easement in two parcels of park land and to convey a certain parcel of land in the city of Boston (see House, No. 5515) (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 139 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 297 in Supplement.]

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

The engrossed Bill authorizing the town of Orleans to grant an easement to the Commonwealth (see House bill printed in House, No. 5534) (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 138 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 298 in Supplement.]

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

The engrossed Bill authorizing the town of Sandwich to grant an easement in certain conservation land (see House, No. 5817) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 134 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 299 in Supplement.]

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

The Senate Bill relative to fines accrued from handicapped parking violations (Senate, No. 879) (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.

The House Bill relative to the storage or sale of liquid propane gas (House, No. 4153), 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
  Directing certain payments to cities and towns by the Massport Authority (House, No. 3441);
  To establish a funding schedule for the city of Peabody retirement system (House, No. 6043);
  Providing for discontinuance permits for mobile home parks in the town of Raynham (House, No. 6080);
  Providing for the establishment and administration of rent regulations and the control of evictions in mobile home parks in the town of Raynham (House, No. 6081, changed);
  Relative to the open air vending of goods, wares and merchandise, from one location in the city of Somerville (House, No. 6105);
  Establishing a Plymouth promotions fund in the town of Plymouth (House, No. 6106);
  Establishing a liability insurance fund for the water department of the city of Springfield (House, No. 6108);
  Authorizing the town of Rockport to lease a certain building for fifty-five years (House, No. 6137, changed);
  Amending the charter of the town of Rockland (House, No. 6139, changed);
  Amending the charter of the town of Rockland (House, No. 6140);
  Amending the charter of the town of Rockland (House, No. 6141);
  Authorizing the town of Nantucket and the county of Nantucket to adopt a consolidated charter (House, No. 6152);
  For a special petition to revise city of Boston contracting procedures (House, No. 6160);
  Relative to the position of city treasurer in the city of Everett (House, No. 6165); and
  To establish a funding schedule for the town of Brookline contributory retirement system (House, No. 6198);

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

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Kollios of Millbury (Mr. Cohen of Newton being in the Chair), the
Municipal employees,— early retirement.

Motion to reconsider negatived,— yea and nay No. 300.

House recessed until the hour of one o'clock P.M.; and at five minutes after one o'clock the House was called to order with the Speaker in the Chair.

The House Bill to encourage the full funding of public pension systems (House, No. 4162) was read a third time.

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

Pending the question on passing the bill to be engrossed, Mr. Blanchette of Lawrence moved that it be amended by substitution of a Bill providing for an early retirement incentive program for certain employees (House, No. 6203), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. 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 Ms. Evans of Wayland; and on the roll call 32 members voted in the affirmative and 108 in the negative.

[See Yea and Nay No. 300 in Supplement.]

Therefore the motion to reconsider was negatived. The bill (House, No. 6203) then was sent to the Senate for concurrence.

Joint Session.

Constitution,— graduated income tax.

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

JOINT SESSION

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

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

The Proposal for an Initiative Amendment to the Constitution relative to a graduated income tax (House, No. 4001).

[NOTE: This title was inserted in the calendar for the joint convention and is being used in the Journal for the information of the members. The original document is untitled.] [For majority and minority reports, see Senate, No. 1537], — was considered, the question being on agreeing to the amendment.

The proposal was as follows: —

ARTICLE OF AMENDMENT.

Article 44 of the Articles of Amendment of the Massachusetts Constitution is hereby amended by striking out the second and third
sentences and inserting in place thereof the following: — “In order that the burden of such tax is fairly and equitably distributed, such tax shall be levied at graduated rates, so that higher rates are imposed on taxpayers in higher income brackets and lower rates on those in lower income brackets. The general court may grant reasonable exemptions and abatements and establish the number and range of brackets”.

The question on agreeing to the Initiative Amendment was taken by a call of the yeas and nays, as required by Article XLVIII of the Amendments to the Constitution, at ten minutes past two o'clock P.M., as follows, to wit (yeas 132 — nays 39): —

YEAS (132).

Senators.

Amorello, Matthew J.
Antonioni, Robert A.
Bertonazzi, Louis P.
Birmingham, Thomas F.
Boverini, Walter J.
Burke, Edward L.
Chase, Arthur E.
Havern, Robert A.
Jajuga, James P.
Kcating, William R.
Lees, Brian P.
LoPresti, Michael, Jr.
MacLean, William Q., Jr.
McGovern, Patricia
Melconian, Linda J.
Norton, Thomas C.
Owens, Bill
Rosenberg, Stanley C.
Swift, Jane M.
Tisei, Richard R.
Wetmore, Robert D.
White, W. Paul — 22.

Representatives.

Angelo, Steven
Binienda, John J.
Blanchette, Kevin P.
Bosley, Daniel E.
Brett, James T.
Brewer, Stephen M.
Buell, Carmen D.
Businger, John A.
Cabral, Antonio F. D.
Cahir, Thomas S.
Caron, Paul E.
Casey, Paul C.
Cass, William F.
Catjakis, Athan
Ciampa, Vincent P.
Clancy, Edward J., Jr.
Cleven, Carol C.
Cohen, David B.
Collaro, Andrew
Connolly, Edward G.
Constantino, William, Jr.
Correia, Robert
Cox, John F.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donovan, Carol A.
Doran, Stephen W.
Draisen, Marc D.
Fitzgerald, Kevin W.
Flaherty, Charles F.
Fox, Gloria L.
Gannon, Paul J.
Gardner, Barbara
Gibson, Mary Jane
Giglio, Anthony P.
Glodis, William J., Jr.
Goguen, Emile J.
Gonsalves, Leonard
Gray, Barbara E.
Haley, Paul R.
Hall, Geoffrey D.
Harkins, Lida E.
Healy, Jonathan L.
Hermann, Joseph N.
Hildt, Barbara

On agreeing to the Initiative Amendment,—yea and nay No. 301.
Constitution,—

Hodgkins, Christopher J.
Honan, Kevin G.
Hynes, Frank M.
Jehlen, Patricia D.
Jordan, Raymond A., Jr.
Kafka, Louis L.
Karol, Stephen J.
Kehoe, Marie-Louise
Kennedy, Thomas P.
Kerans, Sally P.
Koczera, Robert M.
Kollios, Paul
Lambert, Edward M., Jr.
Landers, Patrick F., III
Larkin, Peter J.
Lawless, Robert C.
LeLacheur, Edward A.
Magnani, David P.
Mandile, Anthony M.
Manning, M. Joseph
Mara, Francis G.
Mariano, Ronald
Marzilli, J. James, Jr.
McDonough, John E.
McIntyre, Joseph B.
Menard, Joan M.
Merced, Nelson
Miceli, James R.
Moore, Richard T.
Morrissey, Michael W.
Murray, Mary Jeanette
Nagle, William P., Jr.

O’Brien, Janet W.
O’Brien, Shannon P.
O’Sullivan, Kevin
Owens-Hicks, Shirley
Pacheco, Marc R.
Parente, Marie J.
Petersen, Douglas W.
Petrolati, Thomas M.
Ranieri, Daniel J.
Reinstein, William G.
Resor, Pamela P.
Roosevelt, Mark
Rourke, Susan F.
Ruane, J. Michael
Rushing, Byron
Scaccia, Angelo M.
Schur, Susan D.
Scibelli, Anthony M.
Serra, Emanuel G.
Story, Ellen
Thompson, Alvin E.
Tobin, A. Stephen
Tooman, Warren E.
Tracy, Susan M.
Travis, Philip
Valianti, Daniel J.
Voke, Richard A.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Marian
Walsh, Michael P.
Walsh, Thomas P. — 110.

NAYS (39).

Senators.

Buell, Robert C.
Durand, Robert A.
Hedlund, Robert L.
Hicks, Lucile P.

Kirby, Edward P.
Locke, David H.
Sullivan, Nancy Achin
Wall, Erving H., Jr. — 8.

Representatives.

Blute, Peter I.
Brenton, Marianne
Cangiamila, Brion M.
Clark, Forrester A., Jr.
Coon, Gary M.
Cruz, John F.
Decas, Charles N.
DeFilippi, Walter A.
Driscoll, John R.
Evans, Nancy H.
Forman, Peter
Galvin, William C.

Gately, David F.
Hawke, Robert D.
Hornblower, Augusta
Howarth, Robert L.
Hyland, Barbara C.
Kelly, Shaun P.
Knapik, Michael R.
Kraus, Robert
Krekorian, Robert C.
Lionett, David J.
Mann, Charles W.
McKenna, Mary Jane
The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., the Initiative Amendment was agreed to, not less than one-fourth of all the members elected having voted in the affirmative.

In accordance with the requirements of the Constitution, the Initiative Amendment was then referred to the next General Court.

Without taking further action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Boverini, at twenty-nine minutes before three o'clock P.M., the joint session was recessed until two o'clock P.M. on Wednesday, December 2.

Orders of the Day.

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

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

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

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

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

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

The Senate Bill relative to homelessness in Barnstable County (printed in House, No. 6180) was read a second time; and it was ordered to a third reading.

The House report of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 5990) of Jordan Levy (mayor), Kevin O'Sullivan, Andrew Collaro, David J. Lionett, William J. Glodis, Jr., John J. Binienda, Matthew J. Amorello and others (with the approval of the mayor and city council) relative to the health and hospitals authority of the city of Worcester, was accepted.

Order.

On motion of Mr. Flaherty of Cambridge, —

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

Mr. Hermann of North Andover then moved that as a mark of respect to the memory of Wilfred P. Beauchesne, a member of the House from Methuen from 1975 to 1978, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-four minutes before three o'clock P.M., on motion of Ms. Donovan of Woburn (Mrs. Menard of Somerset being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.
Tuesday, November 17, 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:

Eternal God, we believe that You have a personal concern for our well-being. We also believe that Your compassion towards us and Your forgiveness of our failings are boundless. During these times of complex social, cultural and political challenges, grant us the patience to deal with each other rationally and compassionately. Teach us to focus our discussions on issues and not personalities, on principles not on headlines, and on causes not merely effects. Enlighten us to recognize goodness in people and in the world in which we live.

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 His Honor the Lieutenant-Governor, Acting Governor.

A message from His Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to establishing a management benefits and compensation system to promote greater productivity, innovation, and to control costs (House, No. 6211) was filed in the office of the Clerk on Monday, November 16.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service.

Sent to the Senate for concurrence.

Statement of Representative McIntyre of New Bedford.

During consideration of the Orders of the Day, Mr. McIntyre of New Bedford 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. McIntyre then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

Statement Concerning Representative Rohan of Holyoke.

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

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

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

Statement of Representative Thompson of Cambridge.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to business in my district. Any roll calls that I missed today was due entirely to the reason stated. Had I been present for the taking of the yeas and nays on the question on passing to be engrossed the two collective bargaining bills on today's Calendar, see Yea and Nay Nos. 306 and 307, I would have voted, in each instance, in the affirmative.

Mr. Thompson 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 Messrs. Voke of Chelsea, Finneran of Boston and Gannon of Boston) honoring D. Joseph Burke on the occasion of his retirement from the Massachusetts State House, were referred, under Rule 85, to the committee on Rules.

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

Resolutions (filed with the Clerk by Mr. Angelo of Saugus) congratulating Mr. and Mrs. N. Edward Cerasuolo on the occasion of their fortieth wedding anniversary, 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. Angelo, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Special Reports.

Reports

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Suffolk County Jail and House of Correction located in the city of Boston; and
Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Massachusetts Correctional Institution located in the town of Shirley; severally sent to the Senate for its information.

Papers from the Senate.

The Senate Bill relative to health insurance coverage for public school teachers (Senate, No. 641) came from the Senate with the endorsement that said branch had non-concurred with the House in the following amendment:

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 clarify the health insurance coverage for public school teachers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

On motion of Mr. Mara of Brockton, the House receded from its amendment.

Bills

Establishing a board of health in the town of Marion (Senate, No. 1585) (reported on a petition) [Local Approval Received]; and authorizing the town of Lincoln to pay certain bills notwithstanding the Uniform Procurement Act (Senate, No. 1683) (reported on a petition) [Local Approval Received]; severally passed to be engrossed by the Senate, were read; and they were placed in the Orders of the Day for the next sitting for a second reading.

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

Petition (accompanied by bill, Senate, No. 1743) of Robert C. Buell, Bruce E. Tarr, J. James Marzilli, Jr., and Nelson B. Robinson for legislation relative to the filing of annual reports by certain public charities. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 1744) of Richard R. Tisei (with the approval of mayor and board of aldermen) for legislation to establish a certain funding schedule for the city of Melrose retirement system. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1745) of Michael C. Creedon for legislation to designate the second week in December as Polycystic Kidney Disease Awareness Week; and

Petition (accompanied by bill, Senate, No. 1746) of Michael C. Creedon for legislation to provide for a proclamation setting apart the week of December sixth to December twelve as Polycystic Kidney Disease Awareness Week; severally to the committee on State Administration.
Petition (accompanied by bill, Senate, No. 1747) of Richard R. Tisei (with the approval of the mayor and board of aldermen) for legislation relative to quarterly taxes in the city of Melrose. To the committee on Taxation.

Reports of Committees.

By Mr. Serra of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Frank M. Hynes relative to the accelerated closure of solid waste disposal facilities and sites;

Petition (accompanied by bill) of Frank M. Hynes relative to groundwater protection and municipal landfills; and

Petition (accompanied by bill) of Frank M. Hynes relative to providing effective and financially feasible environmental protection;

Severally to the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of John F. Cox for legislation to establish a sick leave bank for Mary Rae Sirois, an employee of the Department of Social Services. To the committee on Public Service.

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

By Mrs. Menard of Somerset, for the committees on Rules of the two branches, acting concurrently, on a petition, a Resolve reviving and continuing the special commission established to make an investigation and study relative to veterans' affairs in the Commonwealth (House, No. 6213). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the Commissioner of the Division of Capital Planning and Operations to convey land in the town of Concord (Senate, No. 1389) ought to pass.

By the same member, for the same committee, that the Bill relative to the suppression of bee diseases within the Commonwealth (House, No. 608) ought to pass.

By the same member, for the same committee, that the Bill to install traffic control signals in the town of Milton (House, No. 2581) ought to pass.

By the same member, for the same committee, that the Bill providing for the licensing and regulation of check cashers (House, No. 2936, changed) ought to pass.

By the same member, for the same committee, that the 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) ought to pass.
By the same member, for the same committee, 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.

By the same member, for the same committee, that the Bill authorizing the Deputy Commissioner of the Division of Capital Planning and Operations to acquire certain parcels of land in the town of Andover and the city of Lawrence (House, No. 5471) ought to pass.

By the same member, for the same committee, that the Bill relative to contracts for the purchase of energy management services (House, No. 5594) ought to pass.

By the same member, for the same committee, that the Bill relative to regulatory reform (House, No. 5807) ought to pass.

By the same member, for the same committee, that the Bill relative to the notification of third parties in nonrenewal and cancellation of certain insurance policies held by elderly consumers (House, No. 5905) ought to pass.

By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to grant easements over certain public access boating facility in the town of Shrewsbury (House, No. 6071) ought to pass.

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

Mr. Finneran of Boston, for the committee on Ways and Means, to whom was referred the Bill relative to restructuring the automobile insurance system (House, No. 5818) reports, in part, a Bill relative to the operation of motor vehicles equipped with ignition interlock and the reduction of automobile insurance premiums (House, No. 2489). Read; and placed in the Orders of the Day for the next sitting for a second reading.

**Emergency Measures.**

Mr. Voke of Chelsea being in the Chair, — the engrossed Bill relative to fines accrued from handicapped parking violations (see Senate, No. 879), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 32 to 0. Sent to the Senate for concurrence.

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 acting Speaker and sent to the Senate.
The engrossed Bill establishing a sick leave bank for Adeline Pompeo an employee of the Trial Court of the Commonwealth (see House, No. 6151, 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 18 to 0. Sent to the Senate for concurrence.

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

**Engrossed Bills.**

Engrossed bills

Further regulating the Westover Metropolitan Development Corporation (see House, No. 2782);

Relative to the conduct of town meeting (see House, No. 3760);

Authorizing cities and towns to establish a consolidated department of public works (see House, No. 5435);

Authorizing the State-Boston retirement system to retire Russell F. Fisher, a police officer of the city of Boston (see House, No. 5526);

Removing certain prohibitions regarding transactions between the city of Boston and Namibia (see House, No. 5586);

Relative to the vaccination of dogs and cats against rabies (see House, No. 5610, amended); and

Providing for recall elections in the town of Westwood (see House, No. 5808);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

**Engrossed Bills — Land Takings.**

The engrossed Bill relative to a drainage easement in the town of Easton (see Senate, No. 1714, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 141 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 302 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.
The engrossed 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 (see House, No. 5596, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (the Speaker being in the Chair) 135 members voted in the affirmative and 0 in the negative. [See Yea and Nay No. 303 in Supplement.]

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

Orders of the Day.

The House Bill relative to the position of city treasurer in the city of Everett (House, No. 6165), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to life care, continuing care and certain other residential long term care services for the elderly (House, No. 6207) was read a second time; and it was ordered to a third reading.

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. Voke of Chelsea, until after disposition of the remaining matters in the Orders of the Day.

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

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

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

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

Recesses.

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

The House thereupon, on motion of Mr. Driscoll of Northbridge, took a further recess until a quarter after one o’clock P.M.; and at seventeen minutes after one o’clock the House was called to order with Mr. Voke in the Chair.

On motion of Mrs. Cleven of Chelmsford, the House thereupon took a further recess until half past one o’clock P.M.; and at that time the House was called to order with Mr. Voke in the Chair.

The House Bill making appropriations for salary increases for employees of the Commonwealth covered by certain collective bargaining agreements (House, No. 6208) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Teague of Yarmouth moved that the bill be amended in sections 3, 4 and 6 by striking out, in lines 6 to 13, inclusive, in each instance, the words “and shall, effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary at the rate specified in the relevant agreement which would have been in effect as of January third, nineteen hundred and ninety-three in accordance with the provisions of such agreement”; in section 5 by striking out, in lines 11 to 16, inclusive, the words “and shall, effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary at the rate specified in such reopener agreement which would have been in effect as of January third, nineteen hundred and ninety-three in accordance with the provisions of such reopener agreement”; and in section 7 by striking out, in lines 9 to 17, inclusive, the following: “and shall, effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary which has been increased by the same percentage as the percentage increase paid to employees covered by the collective bargaining agreement between the Commonwealth and the Alliance AFSCME/SEIU, AFL-CIO, as authorized in section three”.

Public employees,—salary increases.
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 the same member; and on the roll call 28 members voted in the affirmative and 84 in the negative.

[See Yea and Nay No. 304 in Supplement.]


Therefore the amendments were rejected.

There being no objection, — Messrs. Tarr of Gloucester and Hawke of Gardner moved that the bill be amended in sections 3 and 4, and also in section 6, by striking out, in lines 7 to 13, inclusive, the words "an additional amount, which in combination with said six per cent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary at the rate specified in the relevant agreement which would have been in effect as of January third, nineteen hundred and ninety-three in accordance with the provisions of such agreement" and inserting in place thereof, in each instance, the words "two per cent and on January twenty-eighth, nineteen hundred and ninety-four be increased by an additional two per cent and on June twenty-eighth, nineteen hundred and ninety-five be increased by an additional two per cent provided, however, this shall not preclude further collective bargaining which could increase such percentages"; in section 5 by striking out, in lines 13 to 19, inclusive, the words "an additional amount, which in combination with said six per cent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three in accordance with the provisions of such reopener agreement" and inserting in place thereof the words "two per cent and on January twenty-eighth, nineteen hundred and ninety-four be increased by an additional two per cent and on June twenty-eighth, nineteen hundred and ninety-five be increased by an additional two per cent provided, however, this shall not preclude further collective bargaining which could increase such percentages"; and in section 7 by striking out, in lines 10 to 15, inclusive, the words "an additional amount, which in combination with said six per cent, shall cause said employees to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary which has been increased by the same
percentage as the percentage increase paid to employees covered by the collective bargaining agreement and inserting in place thereof the words "two per cent and on January twenty-eighth, nineteen hundred and ninety-four be increased by an additional two per cent and on June twenty-eighth, nineteen hundred and ninety-five be increased by an additional two per cent provided, however, this shall not preclude further collective bargaining which could increase such percentages".

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. Hawke; and on the roll call 24 members voted in the affirmative and 87 in the negative.

[See Yea and Nay No. 305 in Supplement.]


Therefore the amendments were rejected.

The bill then was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 91 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 306 in Supplement.]


Therefore the bill was passed to be engrossed. Mr. Finneran of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6208) then was sent to the Senate for concurrence.
The House Bill making an appropriation to fund a certain collective bargaining agreement between the Commonwealth and the Massachusetts Correction Officers Federated Union — Unit 4 (House, No. 6209) 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 (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mrs. McKenna of Holden; and on the roll call 138 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 307 in Supplement.]

[Mr. Collaro of Worcester answered "Present" in response to his name.]

Therefore the bill was passed to be engrossed. Mr. Finneran of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6209) then was sent to the Senate for concurrence.

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

There being no objection, — Mr. Blanchette of Lawrence moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his reduction of item 1108-1011 in section 2 (for message, see House, No. 6000) of the engrossed 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 [see House, No. 5800]; and the motion prevailed.

Item 1108-1011, which had been reduced, was considered as follows:

"Civil Service Commission.

1108-1011 For the administration of the civil service commission, including not more than eleven positions 285,218".

[The Governor reduced the item to $100,000 and disapproved the wording "including not more than eleven positions".]

After debate the question on passing item 1108-1011, section 2, notwithstanding said reduction, 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 131 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 308 in Supplement.]

Therefore item 1108-1011 (contained in section 2) was passed,
notwithstanding the reduction of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Mr. Blanchette of Lawrence moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of item 0612-1010 in section 2 (for message, see House, No. 6077) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 6010, amended]; and the motion prevailed.

Item 0612-1010 (Treasurer and Receiver-General) was considered as follows:

"OFFICE OF THE TREASURER AND RECEIVER-GENERAL.

0612-1010 .................................................. 14,883,750".

After debate the question on passing item 0612-1010 (contained in section 2) notwithstanding said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 142 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 309 in Supplement.]

Therefore item 0612-1010 (contained in section 2) was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Orders of the Day.

The House Bill improving the administration and management of the Trial Court of the Commonwealth (House, No. 5944) was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a Bill improving the administration and management of the judicial system of the Commonwealth (House, No. 6210), — and the main 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, there being no objection, the subject-matter was considered further.

Mr. Stoddart of Natick then moved that the proposed substitute bill be amended by striking out sections 26, 26A and 26B and inserting in place thereof the following section:

"SECTION 26. The Supreme Judicial Court shall establish a judicial performance evaluation plan to review the performance of judges, clerks or clerk/magistrates who are appointed to such positions.
Such plan shall consist of detailed evaluation form which shall be prepared by the Supreme Judicial Court.

(b) Commencing on January second, nineteen hundred and ninety-four and every third year thereafter the commission shall send an evaluation form to each practicing attorney in the commonwealth who shall complete such form within thirty days of receipt thereof. The commission shall establish a system to evaluate such forms and shall review, compile and record the results of all completed forms no later than June fifteenth of the year in which the forms were distributed. The overall results of such review shall be public record.

(c) Failure of a practicing attorney to comply with the provisions of this section shall be punished by a civil penalty of one hundred dollars payable at the time of annual registration with the board of bar overseers.

(d) Any judge, clerk or clerk/magistrate who received the lowest rank overall rating as determined by the Supreme Judicial Court, from more than thirty percent of all evaluation forms completed shall be deemed to be on administrative probation. The Supreme Judicial Court shall establish a recertification process for any person on administrative probation, which shall include an educational program of at least forty hours to be administered by an independent entity which shall be approved by the Supreme Judicial Court. Said educational program shall be completed by such person within ninety days of the probation; provided, however, that if such person is not complying with such program the program may be extended to one hundred hours to be completed within six months of the probation.

During the period of administrative probation no judge shall conduct a trial but may conduct hearings on pre-trial matters and no clerk or clerk/magistrate shall conduct magistrate hearings.

(e) Nothing contained in this section shall be deemed to contravene or supersede the jurisdiction of the Supreme Judicial Court pursuant to sections one to eleven, inclusive, of this chapter. The Supreme Judicial Court shall promulgate regulations to implement the provisions of this section."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 27 members voted in the affirmative and 109 in the negative.

[See Yea and Nay No. 310 in Supplement.] Therefore the further amendment was rejected.

Subsequently Mr. Giglio of Medford 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 attending to constituent services.

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

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

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

Mr. Stoddart then moved that the proposed substitute bill be
amended by inserting after section 10 the following section:
“SECTION 10A. Notwithstanding the authority extended the
Chief Justice for Administration and Management under Section 9
or the Chief Justice under Section 10, neither party shall transfer
so many personnel or suspend any particular session of a District
Court for such a period that the caseload of any District Court falls
more than twenty-five percent below 1990 caseload levels as so
compiled by the Supreme Judicial Court.”.

After debate on the question on adoption of the further
amendment, the sense of the House was taken by yeas and nays,
at the request of the same member; and on the roll call 20 members
voted in the affirmative and 117 in the negative.

[See Yea and Nay No. 311 in Supplement.]

Therefore the further amendment was rejected.

Ms. Schur of Newton then moved that the proposed substitute
bill be amended in section 97 by striking out the paragraph
contained in lines 170 to 187, inclusive, and inserting in place thereof
the following paragraph:
“(XXIII) The Chief Justice for administration and management
is hereby authorized to transfer amounts among line items, as
necessary, to ensure the proper administration of justice.”.

After debate on the question on adoption of the further
amendment, the sense of the House was taken by yeas and nays,
at the request of the same member; and on the roll call 21 members
voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 312 in Supplement.]

Therefore the further amendment was rejected.

Ms. Schur then moved that the proposed substitute bill be
amended in section 148 by striking out, in line 34 and also in line 43,
the word “shall” and inserting in place thereof, in each instance, the
word “may”.

After debate the further amendments were rejected.

The same member then moved that the proposed substitute bill
be amended in section 182 by striking out the paragraph contained
in lines 34 to 38, inclusive, and inserting in place thereof the
following paragraph:
“Presiding and First Justices serving by reason of seniority at the
time of passage of this Act shall continue to serve until appointed
or replaced, but in no instance longer than one year from the date
of passage of this Act; those currently serving shall be eligible for
appointment. First justices shall be appointed for a term of five years
and shall be eligible for one additional five year term.”.
After debate on the question on adoption of the further amendment (Mr. Voke of Chelsea being in the Chair), the sense of the House was taken by yeas and nays, at the request of Ms. Schur of Newton; and on the roll call 37 members voted in the affirmative and 102 in the negative.

[See Yea and Nay No. 313 in Supplement.]

Therefore the further amendment was rejected.

Ms. Schur then moved that the proposed substitute bill be amended by striking out section 128.

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 the same member; and on the roll call 33 members voted in the affirmative and 103 in the negative.

[See Yea and Nay No. 314 in Supplement.]

Therefore the further amendment was rejected.

Ms. Schur of Newton then moved that the proposed substitute bill be amended in section 137 by striking out the two paragraphs contained in lines 115 to 132, inclusive.

After remarks the further amendment was rejected.

Mr. DiMasi of Boston then moved that the proposed substitute bill be amended in section 98 by striking out the paragraph contained in lines 48 to 52, inclusive, and inserting in place thereof the following paragraph:

“(iii) the responsibility to provide the departments of the trial court with technical assistance concerning recordkeeping, auditing and computers, and with support services, such as computerized legal research, stenographic, electronic and video recordation methods.”.

The further amendment was adopted.

There being no objection, — Messrs. Stoddart of Natick and Tarr of Gloucester moved that the proposed substitute bill be amended by inserting after section 192 the following twenty-four sections:

“SECTION 192A. Section 24 of chapter 90 of the General Laws is hereby amended by striking out, in lines 106 to 108, as appearing in the 1990 Official Edition, the words ‘subject to the right to appeal pursuant to section twenty-seven A of said chapter two hundred and eighteen.’.

SECTION 192B. Said section 24 of said chapter 90 is hereby further amended by striking out, in line 473, as so appearing, the words ‘in the superior court.’.

SECTION 192C. Section 56 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the word ‘appeals’ and inserting in place thereof the words: — jury trials.

SECTION 192D. Said section 56 of said chapter 119, as so appearing, is hereby further amended by striking out, in lines 47 to 49, inclusive, the words ‘the superior court shall make available jurors from the pool of jurors for the jury sessions in the superior court’ and inserting in place thereof the words: — jurors shall be provided by the office of the jury commissioner in accordance with the provisions of chapter two hundred and thirty-four A.
SECTION 192E. Section 61 of said chapter 119 is hereby amended by striking out, in lines 36 and 37, as so appearing, the words 'and section eighteen of chapter two hundred and seventy-eight'.

SECTION 192F. Paragraph (u) of section 20 of chapter 120 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 192G. Section 10 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the word 'jury' and inserting in place thereof the word: — criminal.

SECTION 192H. Chapter 218 of the General Laws is hereby amended by striking out section 26A, as so appearing, and inserting in place thereof the following section: —

Section 26A. Trial of criminal offenses in the Boston municipal court department and in the divisions of the district court department shall be by a jury of six persons, unless the defendant files a written waiver and consent to be tried by the court without a jury. Such waiver shall not be received unless the defendant is represented by counsel or has filed a written waiver of counsel. No decision on such waiver shall be received until after the completion of a pretrial conference and a hearing on the results of such conference and until after the disposition of any pretrial discovery motions and compliance with any order of the court pursuant to said motions. Such waiver shall be filed in accordance with the provision of section six of chapter two hundred and sixty-three; provided, however, that defense counsel shall execute a certificate signed by said counsel indicating that he has made all the necessary explanations and determinations regarding such waiver. The form of such certificate shall be prescribed by the administrative justice for the district court department.

In the Boston Municipal Court Department and the District Court, the provisions of the Massachusetts Rules of Criminal Procedure, as the same may be amended, shall govern all procedural and substantive matters relating to the defendant’s and the commonwealth’s right to discovery.

Trial by jury in the Boston municipal court department and the district court department shall be in those jury sessions designated in accordance with section twenty-seven A. Where the defendant has consented to be tried without a jury, as hereinbefore provided, trial shall proceed in accordance with the provisions of law applicable to jury-waived trials in the superior court; provided, however, that at the option of the defendant, the trial may be before a judge who has not rejected an agreed recommendation or dispositional request made by the defendant pursuant to the provisions of section eighteen of chapter two hundred and seventy-eight. Review in such cases may be had directly by the appeals court, by appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

The justice presiding over such jury-waived trial in the Boston municipal court department or the district court department shall
have and exercise all of the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases including the power to report questions of law to the appeals court but in no case may he impose a sentence to the state prison.

The justice presiding at such jury-waived session in the Boston municipal court department or the district court department shall, upon the request of the defendant, appoint a stenographer; provided, however, that where the defendant claims indigency, such appointment is determined to be reasonably necessary in accordance with the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one. Such stenographer shall be sworn, and shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the administrative justice of the Boston municipal court department or for the district court department as the case may be; and provided, further, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one. Said administrative justice may make regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of a stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial in the Boston municipal court department or district court department shall be given to the clerk of the court by the defendant in writing no later than forty-eight hours prior to the proceeding for which the stenographer has been requested. The defendant shall file with such request an affidavit of indigency and request for payment by the commonwealth of the cost of the transcript and the court shall hold a hearing on such request prior to appointing a stenographer, in those cases where the defendant alleges that he will be unable to pay said cost. Said hearing shall be governed by the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one, and the cost of such transcript shall be considered an extra cost as provided therein. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means, The original recording of proceedings in the Boston municipal court department or of a division of the district court department made with a recording device under the exclusive control of the court shall be the official record of such proceedings. Said record or a copy of all or a part thereof, certified by the administrative justice for the Boston municipal court department or a district court department, or his designee, to be an accurate electronic reproduction of said record or part thereof, or a typewritten transcript of all or a part of said record or copy thereof, certified to be accurate by the court or by the preparer of said transcript,
Judicial system,—administration.

or stipulated to by the parties, shall be admissible in any court as evidence of testimony given whenever proof of such testimony is otherwise competent. The defendant may request payment by the commonwealth of the cost of said transcript subject to the same provisions regarding a transcript of a stenographer as provided hereinbefore.

In any case heard in a jury waived session in the Boston municipal court department or a district court department where a defendant is placed on probation or placed under probation supervision, he shall thereafter be supervised by the probation officer of the court in which the case originated, unless the trial justice shall order otherwise and unless the regulations of the commissioner of probation provide otherwise.

SECTION 192I. Said chapter 218 is hereby further amended by striking out section 27A, as so appearing, and inserting in place thereof the following section: —

Section 27A. (a) Every division of the district court department is authorized to hold jury sessions for the purpose of conducting jury trials of cases commenced in the several divisions of criminal offenses over which the district courts have original jurisdiction under the provisions of section twenty-six. The Boston municipal court department shall also be authorized for the purpose of conducting jury trials in cases commenced in said department and for the purpose of conducting jury trials of cases commenced in the divisions of the district court department in Suffolk county.

(b) The administrative justice for the district court department shall designate at least one division in each county for the purpose of conducting jury trials; provided, however, that jury trials in cases commenced in the divisions within Suffolk county shall be held in the Boston municipal court department or district courts in Suffolk county or with the approval of the administrative justice, may be held in such district courts the judicial districts of which adjoin Suffolk county as are designated by said administrative justice; and jury trials in cases commenced in the divisions for Dukes county and Nantucket county may be held in Barnstable county or Bristol county; and provided further that, with the approval of the administrative justice for the superior court department, facilities of said superior court may be designated by the chief administrative justice of the trial court for jury trials in cases commenced in divisions of the district court department or in the Boston municipal court department.

The administrative justice of the district court department may also designate one or more divisions in each county for the purpose of conducting jury-waived trials of cases commenced in any division of said county consistent with the requirements of the proper administration of justice.

(c) A defendant in any division of the district court department who waives his right to jury trial as provided in section twenty-six shall be provided a jury-waived trial in the same division.

A defendant in any division of the district court department who
does not waive his right to jury trial as provided in section twenty-six A shall be provided a jury trial in a jury session in the same division if such has been established in said division. If such session has not been so established, the defendant shall be provided a jury trial in a jury session as hereinbefore designated. In cases where the defendant declines to waive the right to jury trial, the clerk shall forthwith transfer the case for trial in the appropriate jury session. Such transfer shall be governed by procedures to be established by the administrative justice for the district court department.

(d) The justice presiding over a jury session shall have and exercise all the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases including the power to report questions of law to the appeals court, but in no case may he impose a sentence to the state prison. No justice so sitting shall act in a case in which he has sat or held an inquest or otherwise taken part in any proceeding therein.

(e) Trials by juries of six persons shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case entitled.

(f) For the jury sessions, jurors shall be provided by the office of the jury commissioner in accordance with the provisions of chapter two hundred and thirty-four A.

(g) The district attorney for the district in which the alleged offense or offenses occurred shall appear for the commonwealth in the trial of all cases in which the right to jury trial has not been waived and may appear in any other case. The administrative justices for the district court department and the Boston municipal court department shall arrange for the sittings of the jury sessions of their respective departments and shall assign justices thereto, to the end that speedy trials may be provided. Review may be had directly by the appeals court, by appeals, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

(h) The justice presiding at such jury session in the Boston municipal court department or district court department shall, upon the request of the defendant, appoint a stenographer; provided, however, that where the defendant claims indigency, such appointment is determined to be reasonably necessary in accordance with the provisions of chapter two hundred and sixty-one. Such stenographer shall be sworn, and shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the administrative justice for the department where the case is tried; and provided, further, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one. Said administrative justice may make
Judicial regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of a stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial shall be given to the clerk of the court by the defendant in writing no later than forty-eight hours prior to the proceeding for which the stenographer has been requested. In the Boston municipal court department or the district court department, the defendant shall file with such request an affidavit of indigency and request for payment by the commonwealth of the cost of the transcript and the court shall hold a hearing on such request prior to appointment of a stenographer, in those cases where the defendant alleges that he will be unable to pay said cost. Said hearing shall be governed by the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one, and the cost of such transcript shall be considered an extra cost as provided therein. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means. The original recording of proceedings in the Boston municipal court department or a division of the district court department made with a recording device under the exclusive control of the court shall be the official record of such proceedings. Said record or a copy of all or a part thereof, certified by the administrative justice for the Boston municipal court department or the district court department, or his designee, to be an accurate electronic reproduction of said record or part thereof, or a typewritten transcript of all or a part of said record or copy thereof, certified to be accurate by the court or by the preparer of said transcript, or stipulated to by the parties, shall be admissible in any court as evidence of testimony given whenever proof of such testimony is otherwise competent. The defendant may request payment by the commonwealth of the cost of said transcript subject to the same provisions regarding a transcript of a stenographer as provided hereinbefore.

(i) In any case heard in a jury session where a defendant is found guilty and placed on probation, he shall thereafter be supervised by the probation officer of the court in which the case originated, unless the trial justice shall order otherwise and unless the regulations of the commissioner of probation provide otherwise.

SECTION 192J. Section thirty-one said chapter two hundred and eighteen is hereby repealed.

SECTION 192K. Section 6 of chapter 263 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence: — Except where there is more than one defendant involved as aforesaid, consent to said waiver shall not be denied if the waiver is filed before the case is transferred for jury trial to the appropriate jury session, as provided in section twenty-seven A of chapter two hundred and eighteen.

SECTION 192L. Section 4 of chapter 275 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.
SECTION 192M. Said chapter 275 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section: —

Section 8. Whoever having waived jury trial in accordance with the provisions of section twenty-six A of chapter two hundred and eighteen is aggrieved by an order of the Boston municipal court or the district court, requiring him to recognize as provided aforesaid, may, upon giving the security required, appeal to the jury session designated pursuant to section twenty-seven A of chapter two hundred and eighteen for the conduct of jury trials in cases brought in the court wherein said order was made.

SECTION 192N. Section 11 of said chapter 275, as so appearing, is hereby amended by inserting after the word 'appeal', in line 1, the words: — of an order of recognizance.

SECTION 192O. Said chapter 275 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section: —

Section 13. Upon a breach of the condition of a recognizance taken pursuant to the provisions of sections four to eleven, inclusive, an action thereon shall be commenced by the district attorney in the court in which the recognizance is then on file.

SECTION 192P. Section 58 of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 151, the words 'either because the defendant has appealed or' and inserting in place thereof the words: — because the defendant.

SECTION 192Q. Section 65 of said chapter 276, as so appearing, is hereby amended by striking out, in lines 12 and 13 the words 'and before the jury session to prosecute an appeal on said charge'.

SECTION 192R. Chapter 278 of the General Laws is hereby amended by striking out section 18, as so appearing, and inserting in place thereof the following section: —

Section 18. A defendant who is before the Boston municipal court or a district court on a criminal offense within the court's final jurisdiction shall plead not guilty or guilty, or with the consent of the court, nolo contendere. Such plea of guilty shall be submitted by the defendant and acted upon by the court; provided, however, that a defendant with whom the commonwealth cannot reach agreement for a recommended disposition shall be allowed to tender a plea of guilty together with a request for a specific disposition. Such request may include any disposition or dispositional terms within the court's jurisdiction, including, unless otherwise prohibited by law, a dispositional request that a guilty finding not be entered, but rather the case be continued without a finding to a specific date thereupon to be dismissed, such continuance conditioned upon compliance with specific terms and conditions or that the defendant be placed on probation pursuant to the provisions of section eighty-seven of chapter two hundred and seventy-six. If such a plea, with an agreed upon recommendation or with a dispositional request by the defendant, is tendered, the court shall inform the defendant that it will not impose a disposition that exceeds the terms of the agreed
upon recommendation or the dispositional request by the defendant, whichever is applicable, without giving the defendant the right to withdraw the plea.

If a defendant, notwithstanding the requirements set forth hereinbefore, attempts to enter a plea or statement consisting of an admission of facts sufficient for finding of guilt, or some similar statement, such admission shall be deemed a tender of a plea of guilty for purposes of the procedures set forth in this section.

Any pretrial motion filed in a criminal case pending in the Boston municipal court or district court and decided before entry of defendant’s decision on waiver of the right to jury trial shall not be refiled or reheard thereafter, except in the discretion of the court as substantial justice requires. Any such pretrial motion not filed or filed but not decided prior to entry of the defendant’s decision on waiver of the right to jury trial may be filed thereafter but not later than twenty-one days after entry of said decision on waiver of the right to jury trial, except for good cause shown.

SECTION 192S. Sections nineteen, twenty and twenty-two of said chapter two hundred and seventy-eight are hereby repealed.

SECTION 192T. Sections twenty-four, twenty-five and twenty-six of said chapter two hundred and seventy-eight are hereby repealed.

SECTION 192U. Section 28 of said chapter 278, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 2, the words ‘in jury session’.

SECTION 192V. Section 1A of chapter 279 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 192W. Section 26 of chapter 537 of the acts of 1986 is hereby amended by striking out the word ‘four’, inserted by section 1 of chapter 188 of the acts of 1989, and inserting in place thereof the word: — six.

SECTION 192X. Section 27 of said chapter 537 is hereby amended by striking out the word ‘ninety-two’, inserted by section 42 of chapter 138 of the acts of 1991, and inserting in place thereof the word: — 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 Mr. Stoddart of Natick; and on the roll call 48 members voted in the affirmative and 89 in the negative.

[See Yea and Nay No. 315 in Supplement.]

Therefore the further amendment was rejected.

Ms. Evans of Wayland then moved that the proposed substitute bill be amended in section 98 by inserting after line 271 the following paragraph:

“(XXXIV) the responsibility to review and make recommendations regarding the expeditious clearing of outstanding warrants throughout the courts of the commonwealth.”.

After remarks the further amendment was adopted. The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a
Bill improving the administration and management of the judicial system of the Commonwealth (House, No. 6210), as amended, — then also was adopted.

After debate on the question on ordering the substituted bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. DiMasi of Boston; and on the roll call 141 members voted in the affirmative and 0 in the negative. [See Yea and Nay No. 316 in Supplement.]

Therefore the bill (House, No. 6210, amended) was ordered to a third reading.

Order.

On motion of Mrs. Menard of Somerset, —

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

Ms. Story of Amherst 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 seven minutes before six o'clock P.M. (Mr. Voke of Chelsea 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 Fred M. Hutchinson, Pastor of the Westport United Congregational Church in Westport, as follows:

O Lord God,  
bless, we pray, thee,  
the leaders of our Commonwealth.  
Strengthen the courage of the representatives here  
assembled . . . sincere women and men who want to  
do the right . . . if only they can be sure what  
is right. Make it plain to them, O Lord.  
And then, start them out on the right way,  
for You know, O God, that we are hard to turn.  
Forgive us for the blunders we have committed,  
the compromises we have made. Give to us  
the courage to admit mistakes.  
Take away from us as a Commonwealth and as  
individuals that stubborn pride  
which, followed by conceit,  
imagines itself to be above and beyond  
criticism.  
Save our Leaders from themselves and from  
their friends — even as You, O Lord,  
have saved them from their enemies.  
Let no personal ambition blind them  
to their opportunities.  
Help us to give battle to hypocrisy,  
bigotry, racism, sexism, wherever  
we may find it.  
Give us common sense and a selflessness  
that shall make all of us think of  
service and not of gain.  
May these people have the courage to lead the  
people of this Commonwealth, considering  
unworthy the expediency of following the  
people.  
And, Lord, finally, give us the strength to  
endure our blessings that have come from  
Your manifold goodness to all of us.  
Mr. Lambert of Fall River then moved that the prayer be spread  
upon the records of the House; and the motion prevailed.
At the request of the Chair (Mr. Serra), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to improving the economic security of the children of the Commonwealth (House, No. 6195) was filed in the office of the Clerk on Tuesday, November 10. The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, as follows:

So much as relates to sections 1 and 2, — to the committee on Government Regulations;
So much as relates to sections 17 and 19, — to the committee on Human Services and Elderly Affairs;
So much as relates to section 46, — to the committee on Insurance;
So much as relates to sections 4 and 5 and also sections 47 to 88, inclusive, — to the committee on the Judiciary;
So much as relates to section 18, — to the committee on Public Safety; and
So much as relates to section 3 and also sections 6 to 16, inclusive, and 20 to 45, inclusive, and 89 and 90, — to the committee on Taxation.

Sent to the Senate for concurrence.

Guests of the House.

During consideration of the Orders of the Day, the Speaker declared a recess subject to the call of the Chair, there being no objection; and introduced Mr. D. Joseph Burke, who was then escorted to the Rostrum of the House by Messrs. Finneran of Boston and Voke of Chelsea.

After remarks and presentations by Messrs. Finneran and Voke, the Speaker read previously adopted Resolutions of the House congratulating Mr. Burke on his retirement after seventy-two years of service to the Commonwealth.

The Speaker then introduced several former distinguished members of the House who were present to wish Mr. Burke many years of happiness in his retirement; Former Speaker of the House Thomas W. McGee and former members Robert B. Ambler, George V. Kenneally, Jr., Allen McGuane, Daniel M. O'Sullivan, John T. Tynan, Thomas C. Wojtkowski and Albert H. Zabriskie. The Speaker also introduced former Clerk of the House Wallace C. Mills, and former House member and former Auditor of the Commonwealth John J. Finnegan.

Mr. Burke was escorted from the House Chamber to the Great Hall of the State House by Messrs. Finneran and Voke where Mr. Burke, along with his wife of fifty-seven years, Dolly, were the guests of honor at a reception.
Petitions severally were presented and referred as follows:

By Mr. Casey of Winchester, petition (accompanied by bill, House, No. 6220) of Paul C. Casey (by vote of the town) relative to establishing a selectman-administrator form of government for the town of Stoneham;

By Mr. Hawke of Gardner, petition (accompanied by bill, House, No. 6221) of Robert D. Hawke and others (with the approval of the mayor and city council) that the city of Gardner be authorized to pay certain unpaid bills;

By Mr. Lawless of Orleans, petition (accompanied by bill, House, No. 6222) of Robert C. Lawless (by vote of the town) relative to certain changes in the charter of the town of Provincetown;

By Mrs. Rogeness of Longmeadow, petition (accompanied by bill, House, No. 6223) of Mary S. Rogeness (by vote of the town) for legislation to authorize the town of Longmeadow to establish a recreation revolving fund; and

By Mr. Tarr of Gloucester, petition (accompanied by bill, House, No. 6224) of Bruce E. Tarr and Robert C. Buell (by vote of the town) for legislation to authorize the town of Rockport to use certain park land to construct a water supply standpipe;

Severally to the committee on Local Affairs.

By Mr. Galvin of Canton, petition (accompanied by bill, House, No. 6215) of William C. Galvin, M. Joseph Manning and W. Paul White (by vote of the town) that the position of town accountant of the town of Randolph be exempt from the civil service law;

By the same member, petition (accompanied by bill, House, No. 6216) of William C. Galvin, M. Joseph Manning and W. Paul White (by vote of the town) that the position of police chief of the town of Randolph be exempt from the civil service law; and

By Mr. Reinstein of Revere, petition (accompanied by bill, House, No. 6225) of William G. Reinstein, Thomas F. Birmingham, Robert A. DeLeo and another (with the approval of the mayor and city council) for legislation to revoke a special act granting tenure to the city collector of the city of Revere.

Severally to the committee on Public Service.

By Mr. Galvin of Canton, petition (accompanied by bill, House, No. 6214) of William C. Galvin, M. Joseph Manning and W. Paul White (by vote of the town) relative to the appointment of the executive secretary to the board of selectmen of the town of Randolph. To the committee on State Administration.

Severally 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 and others (by vote of the town) for legislation to authorize the town of Winthrop to grant easements over certain park and recreation land to the Water Resources Authority;

By Mr. Klimm of Barnstable, petition (subject to Joint Rule 12) of John C. Klimm relative to school building assistance projects.
By the same member, petition (subject to Joint Rule 12) of John C. Klimm for legislation to authorize the Department of Mental Health to establish a sick leave bank for Judith M. Boucher, an employee of said department.

By Mr. Krekorian of Reading, petition (subject to Joint Rule 12) of Robert C. Krekorian and Robert C. Buell that the Division of Capital Planning and Operations be authorized to convey certain parcels of land in the town of North Reading to said town.

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

Papers from the Senate.

The House Bill making appropriations for salary increases for employees of the Commonwealth covered by certain collective bargaining agreements (House, No. 6208) came from the Senate, passed to be engrossed, in concurrence, with an amendment inserting after section 12 the following two sections:

"SECTION 12A. Salary adjustments provided for by this act shall continue in full force and effect until changed by a subsequent act or by a collective bargaining agreement.

SECTION 12B. The provisions of this act affect a majority of state employees and therefore it shall be considered general legislation and not a special act."

Under suspension of Rule 35, on motion of Mr. Finneran of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was considered forthwith; and it was adopted, in concurrence.

The House Bill making an appropriation to fund a certain collective bargaining agreement between the commonwealth and the Massachusetts Correction Officers Federated Union — Unit 4 (House, No. 6209) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 2 the following two sections:

"SECTION 2A. Salary adjustments provided for by this act shall continue in full force and effect until changed by a subsequent act or by a collective bargaining agreement.

SECTION 2B. The provisions of this act affect a majority of correction officers employed by the commonwealth and therefore it shall be considered general legislation and not a special act."

Under suspension of Rule 35, on motion of Mr. Finneran of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the Division of Capital Planning and Operations to convey certain easements to the town of Swampscott in land under the jurisdiction of the Higher Education Coordinating Council, located in Lynn, Massachusetts (Senate, No. 1720) (reported on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.
A petition (accompanied by bill, Senate, No. 1755) of Maureen McPike, Leo Fliger, Girard St. Armand and David H. Locke (by vote of the town) for legislation to authorize the Norfolk Conservation Commission to convey a certain parcel of conservation land to the town of Norfolk for municipal purposes, 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. 1750) of W. Paul White (by vote of the town) for legislation to exempt the position of town accountant of the town of Randolph from the civil service law; and

Petition (accompanied by bill, Senate, No. 1751) of W. Paul White (by vote of the town) for legislation to exempt the position of police chief of the town of Randolph from the civil service law;

Severally to the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1752) of Stanley C. Rosenberg and Thomas M. Petrolati (by vote of the town) for legislation to authorize the Division of Capital Planning and Operations to lease certain property in the town of Granby; and

Petition (accompanied by bill, Senate, No. 1753) of W. Paul White (by vote of the town) for legislation to enable the board of selectmen of the town of Randolph to appoint a former selectman to the position of executive secretary to the board of selectmen upon approval of town meeting;

Severally to the committee on State Administration.

Petition (accompanied by bill, Senate, No. 1754) of William R. Keating for legislation relative to quarterly taxes in cities and towns.

To the committee on Taxation.

Reports of Committees.

By Mr. Serra of Boston, for the committees on Rules of the two branches, acting concurrently, on a petition, a Resolve reviving and continuing the special commission established to make an investigation and study relative to establishing a suitable memorial to President John F. Kennedy (House, No. 6154), which was read.

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

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, No. 6118, a Bill relative to land in the town of Belchertown (House, No. 6217).

By the same member, for the same committee, on House, No. 6119, a Bill relative to the Belchertown housing authority (House, No. 6218).

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

The engrossed Bill authorizing the town of Concord to change the permitted uses of certain lands abutting state highway Route 2 (see House bill printed in House, No. 5999) (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 (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.

Engrossed bills
Relative to health insurance coverage for public school teachers (see Senate, No. 641, amended) (which originated in the Senate);
Relative to the special fund for the propagation, cultivation and study of shellfish of the town of Nantucket (see House, No. 5758);
Authorizing the town of Nantucket to construct a channel from each of its great ponds to the ocean (see House, No. 5763);
Authorizing the town of Harwich to pay a certain unpaid bill (see House, No. 5787);
Authorizing the town of Orleans to adopt a by-law relative to the upgrading of septic systems (see House, No. 5788);
Relative to the appointment of trustees of a certain trust fund in the county of Dukes County (see House, No. 5837); and
Making an appropriation to fund a certain collective bargaining agreement between the Commonwealth and the Massachusetts Correction Officers Federated Union — Unit 4 (see House, No. 6209, amended);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

The engrossed Bill making appropriations for salary increases for employees of the Commonwealth covered by certain collective bargaining agreements (see House, No. 6208, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted. Mr. Finneran of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill then was signed by the Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill relative to the use of a certain parcel of land in the town of Concord for housing purposes (see House, No. 6025) (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 Concord, Willard School land.
the Constitution); and on the roll call 135 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 317 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.

House bills
  Authorizing the city of Springfield to convey certain land to the Greater Springfield Habitat for Humanity (House, No. 5524) (its title having been changed by the committee on Bills in the Third Reading); and
  Establishing a Plymouth promotions fund in the town of Plymouth (House, No. 6106);
  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.

Senate bills
  Authorizing the Commissioner of the Division of Capital Planning and Operations to convey land in the town of Concord (Senate, No. 1389);
  Establishing a board of health in the town of Marion (Senate, No. 1585); and
  Authorizing the town of Lincoln to pay certain bills notwithstanding the Uniform Procurement Act (Senate, No. 1683); and

House bills
  Relative to the suppression of bee diseases within the Commonwealth (House, No. 608);
  Relative to the operation of motor vehicles equipped with ignition interlock and the reduction of automobile insurance premiums (House, No. 2489);
  To install traffic control signals in the town of Milton (House, No. 2581);
  Providing for the licensing and regulation of check cashers (House, No. 2936, changed);
  Authorizing the Division of Capital Planning and Operations to grant a conveyance of certain land located in the town of Hubbardston (House, No. 3093);
  Authorizing the Deputy Commissioner of the Division of Capital Planning and Operations to acquire certain parcels of land in the town of Andover and the city of Lawrence (House, No. 5471);
  Relative to regulatory reform (House, No. 5807); and
  Authorizing the Division of Capital Planning and Operations to grant easements over certain public access boating facility in the town of Shrewsbury (House, No. 6071);

Severally were read a second time; and they were ordered to a third reading.
At ten minutes after eleven o'clock A.M., on motion of Mr. Cohen of Newton (Mr. Serra of Boston being in the Chair), the House recessed until the hour of one o'clock P.M.; and at six minutes after one o'clock the House was called to order with the Speaker in the Chair.

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

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

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

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

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

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

The House Bill relative to contracts for the purchase of energy management services (House, No. 5594) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Hodgkins of Lee moved that it be amended by substitution of a bill with the same title (House, No. 6226), which was read. The amendment was adopted.

Pending the question on ordering the substituted bill to a third reading, it was referred to the committee on Energy, on motion of Mr. Herren of Fall River. Sent to the Senate for concurrence in the reference.

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

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeFilippi of West Springfield, until after disposition of the remaining matters in the Orders of the Day.
The House Resolve extending the time within which the special commission established to make an investigation and study relative to revising the vehicle emissions inspections and maintenance program and other matters related thereto (House, No. 5403) was read a second time.

Pending the question on ordering the resolve to a third reading, Mr. Caron of Springfield moved that it be amended by substitution of a Resolve extending the time within which the special commission established to make an investigation and study relative to revising the vehicle emissions inspections and maintenance program (House, No. 6227), which was read.

The amendment was adopted; and the substituted resolve was ordered to a third reading.

Recess.

At nine minutes before two o’clock P.M., on motion of Mrs. Menard of Somerset (the Speaker being in the Chair), the House recessed until half past two o’clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

Orders of the Day.

The House Bill improving the administration and management of the judicial system of the Commonwealth (House, No. 6210, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, 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.

Mr. DiMasi then moved that the bill be amended in section 186 (as printed) by striking out the sentence contained in lines 60, 61 and 62, and inserting in place thereof the following sentence: “The order of disposition shall be subject to an appeal to the chief justice for administration and management, and shall not be effective until a hearing and disposition by the chief justice for administration and management.”.

The amendment was adopted.

The same member then moved that the bill be amended in section 192 (as printed) by striking out, in lines 4 and 5, the words “and inserting in place thereof the words: — the chief justice for administration and management”. The amendment was adopted.

Mr. DiMasi then moved that the bill be amended in section 105 (as printed) by inserting after the word “court”, in line 9, the words “subject to the appropriate collective bargaining agreement and section ninety-nine of chapter two hundred and seventy-six”; and the amendment was adopted.

The same member then moved that the bill be amended in section 186 (as printed) by inserting after the word “management”,

Judicial system,—Extend commission.

Vehicle inspections,—Extend commission.

Recess.
in line 47, the words "subject to chapter one hundred and fifty E". The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended in section 191 (as printed) by striking out, in lines 4, 5 and 6, the words "and inserting in place thereof the following words: — the chief justice for administration and management". The amendment was adopted.

The same member then moved that the bill be amended in section 104 (as printed) by inserting after the word "employees", in line 8, the words "subject to section ninety-nine of chapter two hundred and seventy-six and the appropriate collective bargaining agreement". The amendment was adopted.

Mr. DiMasi then moved that the bill be amended by striking out section 12; and the amendment was adopted.

The same member then moved that the bill be amended by inserting after section 96 (as printed) the following section:

“SECTION 96A. Chapter 211 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 27 the following section: —

Section 28. (a) There shall be established an advisory board on administration, hereinafter referred to as the board, to advise the justices of the supreme judicial court and the chief justice for administration and management on the management and administration of the courts within the trial court. The board shall consist of seven members, three of whom shall be non-judges and non-lawyers and who shall be appointed by the governor; one of whom shall be the president of the Massachusetts Bar Association or his designee; one of whom shall be the president of the Boston Bar Association or his designee; and one of whom shall be the president of the Massachusetts Academy of Trial Attorneys or his designee; the chief justice for administration and management shall be an ex-officio, non-voting member of the board. The six members of the board who are not serving ex-officio shall serve for a term of one year and shall be eligible for reappointment for a maximum of five consecutive terms. In the event of a vacancy on the board, a new member shall be appointed, in the manner as the original appointment, who shall serve the remainder of the unexpired term.

(b) The board shall annually elect its own chairman, and such other officers as it deems necessary, from among the six voting members of the board. The board shall meet at least monthly. Four members of the board shall constitute a quorum and the affirmative vote of four members shall be necessary and shall suffice for any action of the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise the powers of the board. The board shall be deemed to be a governmental body for purposes of and shall be subject to section eleven A and one-half of chapter thirty A, and shall be deemed to be a state agency for purposes of chapter two hundred and sixty-eight A. The members of the board shall serve without compensation, but shall be
Judicial reimbursement for all reasonable expenses incurred in the performance of their duties.

(c) The board shall have the authority to review and advise the supreme judicial court and the chief justice for administration and management on the administrative policy and practice of the courts, including, but not limited to matters relating to personnel, finances, facilities, automation, and planning. The board shall have access to any and may request from the chief justice for administration and management any information or reports regarding the courts, its operations, personnel, finances, or facilities. The board shall consider such matters brought to its attention by its members, or by the supreme judicial court or the chief justice for administration and management.

The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended by striking out section 8 and inserting in place thereof the following three sections:

"SECTION 8. Section 23 of Chapter 119 of the General Laws, as so appearing, is hereby amended by striking out subsection C at line 22, the words 'probate court', and inserting in place thereof the following: — division of the juvenile court department.

SECTION 8A. Said subsection C is hereby further amended by inserting in line 40, after the word 'incompetent.', the following: — The department may seek and shall accept an order of the probate court in like manner where there are pending proceedings in said probate court under the provisions of Chapter 201, Chapter 208, Chapter 209, Chapter 209A, Chapter 209C.

SECTION 8B. Said section 23 is hereby amended by striking out in subsection D at lines 41 to 45, inclusive, the words 'the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile and from any session of a district court of the commonwealth or from any superior civil court of the commonwealth', and inserting in place thereof the following: — any division of the juvenile court department."

The amendment was adopted.

The same member then moved that the bill be amended in section 100 (as printed) by striking out, in line 11, the words "three hundred and twenty" and inserting in place thereof the words: "three hundred and forty-one". The amendment was adopted.

Mr. DiMasi then moved that the bill be amended in section 105 (as printed) by inserting after the word "personnel", in line 15, the words "except clerical personnel in the office of the clerk-magistrate", and by inserting after the word "court", in line 38, the words "except clerical personnel in the office of the clerk-magistrate". The amendments were adopted.

The bill, as amended, then was passed to be engrossed, Mr. DiMasi moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 6232, printed as amended) then was sent to the Senate for concurrence.
Motion to Direct the Clerk to Place a Certain Matter Before the House.

Miss O'Brien of Easthampton moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of section 77 (for message, see House, No. 6077) of the engrossed Bill making appropriations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 6010, amended]; and the motion prevailed.

Section 77 (Holyoke District Court clerks), which had been vetoed by His Excellency, was considered as follows:

"SECTION 77. Notwithstanding the provisions of any general or special law to the contrary, there shall be two assistant clerks in the district court of Holyoke."

The question on passing section 77, notwithstanding said objections, was determined by yea's and nay's, 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 137 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 318 in Supplement.]

Therefore section 77 was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Order.

Mr. Hodgkins of Lee being in the Chair, —

On motion of Mr. Flaherty of Cambridge, —

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

Mr. Flaherty then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-eight minutes before four o'clock P.M. (Mr. Hodgkins being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.
Thursday, November 19, 1992.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. DiMasi 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:

Eternal God, we turn our thoughts and attention to You during this moment of prayer. In Your goodness, help us to seek goals in life which fulfill Your plan for us so that we will enjoy personal happiness and peace of mind. Inspire us to make personal and legislative decisions which are rational and sound. Let our political judgments be formed by the genuine needs of the people and not merely by the emotional pressures of the moment.

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

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

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to retirement for employees of the judiciary (House, No. 6233) was filed in the office of the Clerk during the preceding sitting.

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

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 1749) of Arthur E. Chase (by vote of the town) for legislation to provide for recall elections in the town of West Boylston was referred, in concurrence, to the committee on Election Laws.

A petition of David H. Locke for legislation relative to quarterly taxes in cities and towns came from the Senate referred, under suspension of Joint Rule 12, to the committee on Taxation.

The House then concurred in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1756) was referred, in concurrence, 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 William P.
Nagle, Jr., and Stanley C. Rosenberg for legislation to authorize the Secretary of the Commonwealth to issue a certain amended record of marriage to Judith and Michael Conlin. Under suspension of Rule 42, on motion of Mr. Nagle of Northampton, 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. Bosley of North Adams, for the committee on Commerce and Labor, on House, No. 6150, a Bill relative to severance pay and unemployment benefits (House, No. 6219), which was read.

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

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

"SECTION 3. Section one of this act shall only be applicable to those claims filed on or after March seventh, nineteen hundred and ninety-three."; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately clarify the law relative to the payment of unemployment benefits in connection with plant closings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendments were adopted; and the bill (House, No. 6219, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill authorizing the city of Northampton to grant a pension to Axel Diaz (House, No. 6065), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Nagle of Northampton, the bill was read a second and a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Voke of Chelsea, —

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.
Mr. Voke then moved that as a mark of respect to the memory of John Fitzgerald Kennedy, a member of the United States House of Representatives from the eleventh Congressional district from 1947 to 1952, inclusive; a member of the United States Senate from 1953 to 1960, inclusive; and President of the United States from 1961 to 1963, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at sixteen minutes after eleven o’clock A.M. (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o’clock A.M., in an Informal Session.

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

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

Almighty God, we pause for a moment of prayer to recognize Your accessibility and to ask for guidance in making personal and legislative decisions. As we communicate with You through prayer, help us to communicate with each other through rational discussion on public policy and legislative programs. Grant us the patience to hear people out and the intellectual courage to remain committed to our principles and values.

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

At the request of the Chair (Mr. Honan), 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 Speaker Flaherty of Cambridge) congratulating William F. Malloy on his induction into the Boston College High School Hall of Fame; and
- Resolutions (filed by Mr. Cohen of Newton) congratulating Russell J. Halloran on being the recipient of the Massachusetts Recreation and Parks Association nineteen hundred and ninety-two "Peter C. O'Brien Humanitarian Award";

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

Petitions.

Petitions severally were presented and referred as follows:

- By Mr. Kollios of Millbury, petition (accompanied by bill, House, No. 6234) of Paul Kollios (by vote of the town) for legislation to provide for recall elections in the town of Millbury; and
- By the same member, petition (accompanied by bill, House, No. 6235) of Paul Kollios (by vote of the town) for legislation to provide for referendum petitions in the town of Millbury;

Severally to the committee on Election Laws.

Severally sent to the Senate for concurrence.
Mr. Ruane of Salem presented a petition (subject to Joint Rule 12) of J. Michael Ruane and Frederick E. Berry (with the approval of the mayor and city council) for legislation to authorize the city of Salem to establish a retirement system funding schedule; and the same was referred, under Rule 24, to the committee on Rules.

Paper from the Senate.

The House Bill relative to the revision of terms of mortgages (House, No. 6022, amended) came from the Senate with the endorsement that said branch had concurred with the House in its further amendment with a still further amendment striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Chapter 183 of the General Laws is hereby amended by inserting after section 63, as appearing in the 1990 Official Edition, the following section: —

Section 63A. A mortgagee may, at the request of the owner of the equity of redemption, revise the rate of interest, extend the term of the mortgage or change the amount of the periodic payments of principal or interest, or both, of an existing note and mortgage from said owner which it holds [A]; provided, however, that (i) no additional money shall be loaned or advanced thereon, except in accordance with section twenty-eight A; and (ii) the interest rate on any such note and mortgage, after any such revision, shall not be in excess of the interest rate on the existing note and mortgage so revised. The provisions of paragraph four of section six of chapter one hundred and sixty-seven E relative to loan to value requirements shall not apply to a bank, as defined in said chapter, in any revision made pursuant to this section. Any revision in the terms of a mortgage pursuant to this section may be made without the consent of the holders of junior encumbrances and without loss of priority and shall not be construed so as to grant to any such holder of a junior encumbrance rights which, except for said revision, he would not otherwise have. No such mortgage amended or revised pursuant to this section shall be construed to be a rewritten or refinanced mortgage loan.

Notwithstanding the provisions of section sixty-three, a holder of any such mortgage may charge a fee in connection with any such revision not to exceed one-half of one percent of the outstanding balance of the existing note and mortgage as of the date of any such revision or of the revised balance pursuant to such revision, whichever is greater, and, in addition, an amount not to exceed one-quarter of one percent of said outstanding or revised balance for the acquisition of a current credit report on said owner of the equity of redemption and for administrative expenses incidental to the preparation and execution of documents related to such revision. Such holder shall not assess any additional fees, points, so-called, or similar charges on the said owner of the equity of redemption for any such revision.

For the purposes of this section, the term ‘rewritten or refinanced..."
mortgage loan' shall mean a loan that requires originating or underwriting services similar to an original mortgage application."

Under suspension of Rule 35, on motion of Mr. Travis of Rehoboth, the still further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its still further amendment with a still further amendment by inserting after the word "holds" [at "A"] the words "on a one to four family, owner-occupied residence located in the commonwealth".

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

Orders of the Day.

The House Bill relative to dissolution of the Plymouth-Carver Regional School District (House, No. 530, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Decas of Wareham moved that it be amended in section 2 by striking out the penultimate sentence (as amended by the House) as follows: "Each town shall receive state aid pursuant to chapter seventy-one of the General Laws as if the district were still in effect and such aid shall be paid directly to each town for a period of ten years." and inserting in place thereof the following sentence: "Each town shall receive state aid pursuant to chapter seventy-one of the General Laws as if the district were still in effect and such aid shall be paid directly to each town for a period of five years.".

The amendment was adopted; and the bill (House, No. 530, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Kollios of Millbury, —

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

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Connolly of Everett (Mr. Honan of Boston being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M., in an Informal Session.
Wednesday, November 25, 1992.

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

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

God, Our Creator, on the eve of Thanksgiving Day, we pause for a moment to reflect on our material and spiritual blessings. We are also grateful that we live in this country and state with unlimited opportunities for using our talents for self as well as community improvement. Let the spirit of giving thanks to You and of giving help to those in need be with us during this special season and throughout the entire year. Grant us the patience and strength to work together to improve the standard of living and quality of life for all.

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

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

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to establishing assisted living housing (House, No. 6236) was filed in the office of the Clerk on Thursday, November 19.

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

Message from the Governor — Bill Returned with Recommendation of Amendments.

A message from His Excellency the Governor returning with recommendation of amendments the engrossed Bill further regulating manufactured housing communities [see House, No. 6075, amended] (for message, see House, No. 6248) was filed in the office of the Clerk on Monday, November 23.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendments recommended by His Excellency, the bill was referred, on motion of Mr. Pacheco of Taunton, to the committee on Bills in the Third Reading.
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 Mr. Cahir of Bourne, petition (accompanied by bill, House, No. 6238) of Thomas S. Cahir (by vote of the town) for legislation to authorize the town of Bourne to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises to Grey Gables Market, Inc. To the committee on Government Regulations.

By the same member, petition (accompanied by bill, House, No. 6239) of Thomas S. Cahir (by vote of the town) for legislation to establish the office of clerk-treasurer in the town of Bourne; and

By the same member, petition (accompanied by bill, House, No. 6240) of Thomas S. Cahir (by vote of the town) for legislation to authorize the town of Mashpee to convey a certain parcel of conservation land to Russell Peters of said town;

By Mr. Jordan of Springfield, petition (accompanied by bill, House, No. 6241) of Robert T. Markel (mayor), Raymond A. Jordan, Jr., and other members of the General Court (with the approval of the mayor and city council) for legislation to authorize the mayor of the city of Springfield to sell and convey a certain parcel of land known as the "Tapley school playground" for development purposes;

By Mr. Landers of Palmer, petition (accompanied by bill, House, No. 6242) of Patrick F. Landers III (by vote of the town) for legislation to authorize the conservation commission of the town of Palmer to sell forest and agricultural products; and

By Mrs. Menard of Somerset, petition (accompanied by bill, House, No. 6243) of Joan M. Menard (by vote of the town) for legislation to authorize the town of Somerset to establish a board of water and sewer commissioners in said town;

Severally to the committee on Local Affairs.

By Mr. Cohen of Newton, petition (accompanied by bill, House, No. 6244) of Theodore D. Mann (mayor), David B. Cohen and Lois G. Pines (with the approval of the mayor and board of aldermen) for legislation to exempt the position of chief of police of the city of Newton from the provisions of civil service law; and

By Mr. Moore of Uxbridge, petition (accompanied by bill, House, No. 6245) of Richard T. Moore and Louis P. Bertonazzi (by vote of the town) for legislation to authorize the town of Millville to provide tenure of office for Timothy P. Ryan as chief of police of said town;

Severally to the committee on Public Service.
By the same member, petition (accompanied by bill, House, No. 6246) of Richard T. Moore and Louis P. Bertonazzi (by vote of the town) relative to the collection of taxes in the town of Millville. To the committee on Taxation. Severely sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Angelo of Saugus, petition (subject to Joint Rule 12) of Steven Angelo, Robert A. Havern and another for legislation to improve water supply and wastewater infrastructure in the Commonwealth.

By Mr. Binienda of Worcester, petition (subject to Joint Rule 12) of Jordan Levy (mayor), John J. Binienda, Andrew Collaro, William J. Glodis, Jr., and Kevin O’Sullivan (with the approval of the mayor and city council) for legislation to authorize the city of Worcester to enact ordinances to provide for the forfeiture of property as a means of controlling prostitution in said city.

By Mr. Cohen of Newton, petition (subject to Joint Rule 12) of David B. Cohen and Frederick E. Berry relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of the implementation of California emissions standards in the Commonwealth.

By Mr. DiMasi of Boston (by request), petition (subject to Joint Rule 12) of Anthony G. Carifio relative to the retirement of certain public employees.

By Mr. Forman of Plymouth, petition (subject to Joint Rule 12) of Peter Forman relative to the establishment of a sick leave bank for Susan Ramondetta, an employee of the department of mental health.

By Mr. Hermann of North Andover, petition (subject to Joint Rule 12) of Joseph N. Hermann relative to authorizing and directing the Division of Capital Planning and Operations to acquire a certain parcel of land in the town of Middleton.

By Mr. Hodgkins of Lee, petition (subject to Joint Rule 12) of Christopher J. Hodgkins for legislation to authorize the solemnization of a marriage by said Christopher J. Hodgkins between Jean Stewart Day and Donald P. McCarthy, both of the town of Otis.

By Mr. Thompson of Cambridge, petition (subject to Joint Rule 12) of Alvin E. Thompson, Vincent P. Ciampa, Anthony M. Mandile, Edward G. Connolly, William G. Reinstein and Shirley Owens-Hicks relative to fees charged by the Registry of Motor Vehicles. Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A report of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1725) of Robert D. Wetmore for legislation to provide for increased compensation under the

Watershed Protection Act,—compensation.
Watershed Protection Act, and recommending that the same be referred to the Senate committee on Ways and Means, — accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition of Robert A. Havern, Frederick E. Berry and J. James Marzilli, Jr., for legislation relative to the North East Solid Waste Committee, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1758) was referred, in concurrence, to the committee on Natural Resources and Agriculture.

**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 J. Michael Ruane and Frederick E. Berry (with the approval of the mayor and city council) for legislation to authorize the city of Salem to establish a retirement system funding schedule. To the committee on Public Service.

Petition (accompanied by bill) of Robert C. Krekorian and Robert C. Buell that the Division of Capital Planning and Operations be authorized to convey certain parcels of land in the town of North Reading to said town. To the committee on State Administration.

Petition (accompanied by bill) of Robert D. Hawke, Mary Jane McKenna and Robert D. Wetmore for legislation to authorize the Department of Highways to designate a certain bridge in the town of Templeton as the Second Lt. William D. Ordway/Vietnam Veterans Memorial Bridge. To the committee on Transportation.

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

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 6115) of Brion M. Cangiamila and Marie J. Parente relative to visitation rights of parents of assaulted or abused children, — and recommending that the same be referred to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on a petition, a Bill relative to children in need of services (House, No. 6094).
Mrs. Menard of Somerset, for the committees on Rules of the two branches, acting concurrently, to whom was referred the Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain House documents regulating the manufacture, distribution and sale of alcoholic beverages (House, No. 5877) reports, in part, a Bill further regulating alcoholic beverage licenses (House, No. 915).

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

Orders of the Day.

House bills
Establishing a funding schedule for the retirement system of the city of Peabody (House, No. 6043) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the State Sanitary Code (House, No. 6076) (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 providing for the creation and operation of business improvement districts (Senate, No. 1573) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 11 (as printed) by adding at the end thereof the following four paragraphs:

"(c) The local municipal governing body shall hold a public hearing within thirty days of receipt of a completed petition on the issue of dissolution.

(d) Following the public hearing, the local municipal governing body may declare the district dissolved; provided, however, that no BID shall be dissolved until it has satisfied or paid in full all of its outstanding indebtedness, obligations, and liabilities; or until funds are on deposit and available therefor; or until a repayment schedule has been formulated and municipally approved therefor. In addition, the BID shall be prohibited from incurring any new or increased financial obligations.

(e) Any liabilities, either current or future, incurred as a result of action to accomplish the purposes of the BID improvement plan shall not be an obligation of the general fund of the municipality, but said liabilities shall be paid for entirely from revenue gained from the projects or facilities authorized, or from the fees on the properties in the BID.

(f) Upon the dissolution of a BID, any remaining revenues derived from the sale of assets acquired with fees collected shall be refunded to the property owners in the district in which fees were charged by applying the same formula used to calculate the fee in the fiscal year in which the district is dissolved."

The amendment was adopted; and the bill (Senate, No. 1573,
amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

The House Bill amending the charter of the town of Rockland (House, No. 6139, changed) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the House bill with the same title (House, No. 6140), and the House bill with the same title (House, No. 6141), likewise referred to said committee, and substituting therefor a Bill relative to the charter of the town of Rockland (House, No. 6249), which was read.

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

The Senate Bill relative to homelessness in Barnstable County (printed as House, No. 6180), 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 all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Item 4403-2100 in section 2 of chapter 133 of the acts of 1992 is hereby amended by inserting after the word ‘program’, in line 20, the following words: — ; provided, further, that monies expended for said pilot program shall not be subject to federal reimbursement.

SECTION 2. The first paragraph of section 9 of said chapter 133 is hereby amended by striking out the third sentence.

SECTION 3. The second paragraph of said section 9 of said chapter 133 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The department shall contract for regional administration of said pilot program to reduce homelessness with the Housing Assistance Corporation, a nonprofit organization located in the town of Barnstable.

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

The amendment was adopted; and the bill (printed as House, No. 6180, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

Mr. Pacheco of Taunton then moved that when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting, and, there being no objection, the motion prevailed.

Accordingly, at fourteen minutes after eleven o'clock A.M., on motion of Mr. Forman of Plymouth (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:

Eternal God, Source of Goodness and Compassion, we take this moment to reflect on Your reality and to ask for guidance as we consider the issues of the day. Inspire us to remain faithful to You, to Your values and ways and to our personal convictions. Help us to unite all people in pursuing common societal goals which enhance human dignity and respect for the individual. Guide our efforts to promote creative and ethical legislation which will serve the needs of people today. Learning from the past successes and errors of former legislative initiatives, may we take the time to plan for a more promising future for all.

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

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

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to the repair and reconstruction of the Boston Common Garage (House, No. 6251) was filed in the office of the Clerk on Wednesday, November 25.

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

Messages from the Governor — Bills Returned with Recommendations of Amendments.

A message from His Excellency the Governor returning with recommendation of amendments the engrossed Bill making appropriations for salary increases for employees of the Commonwealth covered by certain collective bargaining agreements [see House, No. 6208, amended] (for message, see House, No. 6252) was filed in the office of the Clerk on Tuesday, November 24.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendments recommended by His Excellency, the bill was referred, on motion of Mr. Finneran of Boston, to the committee on Bills in the Third Reading.
A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the town of Sandwich to grant an easement in certain conservation land [see House, No. 5817] (for message, see House, No. 6253) was filed in the office of the Clerk on Wednesday, November 25.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

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

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing cities and towns to establish a consolidated department of public works [see House, No. 5435] (for message, see House, No. 6254) was filed in the office of the Clerk on Wednesday, November 25.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

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

Resolutions.

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

Resolutions (filed by Mr. Karol of Attleboro) congratulating Matthew Joseph Hebert on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Poirier of North Attleborough and Blute of Shrewsbury) congratulating the King Philip Regional Warrior Marching Band on winning the New England Scholastic Band Association Division II Championship for the third consecutive year; and

Resolutions (filed by Messrs. Poirier of North Attleborough and Blute of Shrewsbury) congratulating band director Peter Tileston for his outstanding leadership and commitment to the King Philip Regional Warrior Marching Band;

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

Petitions severally were presented and referred as follows:

By Mr. Businger of Brookline, petition (accompanied by bill, House, No. 6256) of Michael W. Merrill, John A. Businger, Lois G. Pines, Marc D. Draisen and others (by vote of the town) for legislation to authorize the town of Brookline to establish a department of finance; and

By Mr. Peters of Charlton, petition (accompanied by bill, House, No. 6257) of David M. Peters, Robert D. Wetmore and Stephen M. Brewer (by vote of the town) for legislation to authorize the town of Sturbridge to establish a special fund in which shall be deposited any net surplus realized from the operation of the municipal sewer system;

Severally to the committee on Local Affairs.

Severally sent to the Senate for concurrence.

Mr. Ranieri of Bellingham presented a petition (subject to Joint Rule 12) of Daniel J. Ranieri and other members of the General Court relative to the Tri-county Regional Vocational Technical School District; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Bills

Relative to the licensing and keeping of dogs in the town of Millis (Senate, No. 1630) (reported on a petition) [Local Approval Received]; and

Further regulating title insurance to title insurers (Senate, No. 1748) (on Senate, Nos. 1429 and 1643);

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.

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

Petition (accompanied by bill, Senate, No. 1763) of Henri S. Rauschenbach and Eric Turkington for legislation to authorize the county of Dukes County to borrow in anticipation of a certain state grant. To the committee on Counties.

Petition (accompanied by bill, Senate, No. 1764) of Patricia McGovern, Joseph N. Hermann, Kevin P. Blanchette, Kevin J. Sullivan, mayor, and others (with the approval of the city council) for legislation relative to certain financial provisions for the city of Lawrence. To the committee on Local Affairs.

Petition (accompanied by bill, Senate, No. 1765) of Henri S. Rauschenbach (with the approval of the county commissioners) for legislation to authorize the Dukes County contributory retirement system to offer an early retirement incentive. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1766) of Henri S. Rauschenbach and Robert C. Lawless for legislation to authorize
municipalities to collect one hundred percent of costs associated with pursuit of a foreclosure for non-payment of taxes; and Petition (accompanied by bill, Senate, No. 1767) of Henri S. Rauschenbach and Eric Turkington (by vote of the town) for legislation to authorize a property tax abatement for Emma Fontaine of the town of West Tisbury; Severally 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 John C. Klimm for legislation to authorize the Department of Mental Health to establish a sick leave bank for Judith M. Boucher, an employee of said department; and

Petition (accompanied by bill) of Peter Forman relative to the establishment of a sick leave bank for Susan Ramondetta, an employee of the Department of Mental Health; Severally to the committee on Public Service.

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

By Mr. Rushing of Boston, for the committee on Local Affairs, on House, No. 6148, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of a certain House document authorizing the town of Berkley to establish a revolving fund for equipment for the police department (House, No. 6250). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Planning and Operations to convey 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) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill authorizing the Deputy Commissioner of the Division of Capital Planning and Operations to acquire a certain parcel of land in the town of East Brookfield (House, No. 5426) ought to pass with an amendment.

By the same member, for the same committee, that the Bill establishing a model water and sewer commission and defining the powers thereof (House, No. 5642) ought to pass with certain amendments.

Severally placed in the Orders of the Day for the next sitting, with the amendments pending.
By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill amending teacher certification requirements to include school nurses (House, No. 1471) ought to pass.

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

By the same member, for the same committee, that the Bill establishing the Massachusetts security for public deposits commission (House, No. 5001) ought to pass.

By Mr. Kennedy of Brockton, for the same committee, that the Bill providing for the abandonment and conveyance of a right of way in the city of Brockton (Senate, No. 1691, amended) ought to pass.

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

By Mr. Moore of Uxbridge, for the committee on Election Laws, on a petition, a Bill providing for recall elections in the town of Chester (House, No. 6066) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to town meeting members in the town of Milford (House, No. 6159) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to elections in the town of Dracut (House, No. 6175) [Local Approval Received].

By the same member, for the same committee, on Senate, No. 1749 and on House, No. 6179, a Bill to provide for recall elections in the town of West Boylston (House, No. 6179) [Local Approval Received].

By Mr. Walsh of Agawam, for the committee on Government Regulations, on House, No. 6161, a Bill relative to harness horse racing (House, No. 6255).

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on a petition, a Bill further regulating reporting requirements of injured children (House, No. 6196, changed by striking out, in line 4, the words “officers of nonprofit corporations” and inserting in place thereof the words “except as exempted by law”).

By Mrs. Parente of Milford, for the same committee, on a petition, a Bill further regulating adoption agencies (House, No. 5853, changed by striking out, in line 5, the words “possesses a liability insurance” and inserting in place thereof the words “is bonded”).

By the same member, for the same committee, on a petition, a Bill requiring an annual audit of adoption agencies (House, No. 5854).

By Mr. Caron of Springfield, for the committee on Public Safety, on a petition, a Bill to protect resident licensees (House, No. 4577).

By the same member, for the same committee, on a petition, a Bill further defining elevators (House, No. 6138).
By Mr. Blanchette of Lawrence, for the committee on Public Service, on a petition, a Bill to enable the town to remove the position of Police Chief from Civil Service status (House, No. 5992) [Local Approval Received].

By the same member, for the same committee, on House, No. 5841, a Bill exempting the position of chief of police of the town of Brookline from the provisions of the civil service law (House, No. 6247) [Local Approval Received].

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

Engrossed Bill.

The engrossed Bill providing for recall elections in the town of Millis (see House bill printed as Senate, No. 1620) (which originated enacted, 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 engrossed Bill establishing a sick leave bank for a certain employee of the Trial Court of the Commonwealth (see House, No. 6162) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 6183), was considered.

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

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

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

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

Mr. Gannon of Boston then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

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

The amendment was adopted. Sent to the Senate for concurrence.
House bills
Relative to the suppression of bee diseases within the Commonwealth (House, No. 608);
Authorizing Douglas McLellan to take a civil service examination for the position of clinical social worker III notwithstanding certain requirements (House, No. 5106); and
Establishing a funding schedule for the contributory retirement system of the town of Brookline (House, No. 6198) (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 redemption of empty beverage containers (Senate, No. 1530), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.
Pending the question on passing the bill to be engrossed, in concurrence, Mr. Herren of Fall River moved that it be amended in section 1 by striking out after the word “bottler”, in line 9, the words “more than five cases of twenty-four” (inserted by the Senate committee on Bills in the Third Reading) and inserting in place thereof the words “more than ten cases of twenty-four”.
The amendment was adopted; and the bill (Senate, No. 1530, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

Order.
On motion of Mr. Clancy of Lynn, —
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

At twelve minutes after eleven o’clock A.M., on motion of Mr. Clancy, the House adjourned, to meet tomorrow at eleven o’clock A.M.