
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:

Eternal God, we pause for this moment of prayer to ask for Your guidance and direction in legislative and personal matters, and in making decisions. Inspire us to be conscientious and creative in addressing the complex and difficult social and political issues of today’s society. In Your goodness, help us to meet the needs and the reasonable expectations of the people whom we represent. Teach us to be alert in protecting the dignity and rights of all members of society, especially those people who depend upon others for their daily existence. By our concern for the well-being of all, may we do our part through legislation and through example in eliminating violence in our homes, schools and streets.

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.

Resolutions.

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

H. Phillip Garrity, Jr.

Resolutions (filed by Mrs. Harkins of Needham) congratulating H. Phillip Garrity, Jr., on the occasion of his retirement from the Needham Board of Selectmen;

Leo L. Dubois.

Resolutions (filed by Mrs. Lewis of Bridgewater) congratulating Leo L. Dubois on fifty years of dedicated service to the Department of Correction;

Charles W. Mann.

Resolutions (filed by Mr. Marini of Hanson) honoring Charles W. Mann on the occasion of his retirement from the Massachusetts House of Representatives;

John McCarthy.

Resolutions (filed by Mr. Miceli of Wilmington) honoring John J. “Chuck” McCarthy; and

John and Josephine Catania.

Resolutions (filed by Mr. Serra of Boston) congratulating Mr. and Mrs. John J. Catania on the occasion of their fiftieth wedding anniversary;

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

Reports

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

Of the petition (accompanied by bill, Senate, No. 1494) of James P. Jajuga and Paul E. Caron for legislation to transfer the Transportation Division of the Department of Public Utilities to the Department of Public Safety;

Of the petition (accompanied by bill, Senate, No. 1522) of Stanley C. Rosenberg for legislation to provide for the retention of revenues from the payment of licenses, registrations or permits by the Registry of Motor Vehicles and the boards of registration of professions and occupations;

Of the petition (accompanied by bill, Senate, No. 1548) of Leo J. Parente, Jr., Charles Loven and Robert D. Wetmore for legislation to provide for the establishment of an executive office of veterans affairs and benefits; and

Of the petition (accompanied by bill, Senate, No. 1552) of W. Paul White for legislation to establish a department of veterans' affairs and benefits.

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

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

A report of the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 94) of Stanley C. Rosenberg, Stephen Roche and John E. McDonough for legislation to protect the rights of employees who have been appointed to serve as election officers, and recommending that the same be referred to the committee on Election Laws,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

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

Petition (accompanied by bill, Senate, No. 1832) of Frederick E. Berry for legislation to further regulate medical malpractice insurance. To the committee on Insurance.

Petition (accompanied by bill, Senate, No. 1833) of Henri S. Rauschenbach, Edward B. Teague III and Thomas S. Cahir for legislation to provide for the control of mosquitoes in the Commonwealth utilizing an integrated pest management approach; and

Petition (accompanied by bill, Senate, No. 1834) of Henri S. Rauschenbach, Thomas S. Cahir, John C. Klimm, Bruce E. Tarr, Therese Murray and other members of the General Court for legislation to establish a coastal assessment, science and technology program;

Severally to the committee on Natural Resources and Agriculture.
Petition (accompanied by bill, Senate, No. 1835) of W. Paul White and the Massachusetts Federation of Teachers, AFT, AFL-CIO, by Kathleen Kelly, for legislation to increase benefits for retirees who retired before January first, year nineteen hundred and eighty. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 1836) of Robert A. Durand and Daniel J. Valianti for legislation to authorize the Division of Capital Planning and Operations to grant a permanent easement to the city of Marlborough. To the committee on State Administration.

Reports of Committees.

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

Petition (accompanied by bill) of John Cirillo for legislation to establish a compulsory reading period in the public schools of the Commonwealth. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Jack Parsons for legislation to establish a board of registration of home inspectors. To the committee on Government Regulations.

Petition (accompanied by bill) of L. Scott Harshbarger, Barbara E. Gray and Shirley Gomes relative to warrantless arrests for the crime of threatening to commit a crime in domestic violence cases; and

Petition (accompanied by bill) of L. Scott Harshbarger, Joseph B. McIntyre and Cheryl A. Jacques for legislation to further define the word “indigent” relative to inmate litigation;

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Douglas W. Stoddart and another relative to the offense of obstructing fire engines, patrol vehicles and ambulances. To the committee on Public Safety.

Petition (accompanied by bill) of Frank M. Hynes and another relative to the payment of pensioners for services after retirement. To the committee on Public Service.

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

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill establishing the Massachusetts alternative education support program (House, No. 2143).

By the same member, for the same committee, on a petition, a Bill to alternative education, violence prevention and school safety (House, No. 2347, changed by adding at the end thereof the following section:
“SECTION 5. All students under the age of sixteen who are expelled must be offered some form of alternative education.”

By the same member, for the same committee, on a petition, a Bill relative to the prevention of teen dating violence (House, No. 2349, changed by inserting after the word “establish”, in line 19, the words “a system for creating”).

By the same member, for the same committee, on a petition, a Bill to provide for certain leaves of absence (House, No. 4090, changed by adding at the end thereof the following section:

“SECTION 4. Nothing in this law shall be construed to mean that there shall be any financial burden to the school district or university.”).

By Mr. Valianti of Marlborough, for the same committee, on a petition, a Bill providing for an alternative education discretionary grant (House, No. 3690).

By Mr. Lane of Holden, for the same committee, on House, No. 1810, a Bill relative to educational programs for the prevention of the luring and abduction of children (House, No. 4800).

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on a petition, a Bill regulating the care and custody of forensic mental health patients (House, No. 4478).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill relative to certain property at Northampton State Hospital (House, No. 2823, changed by striking out section 1).

By the same member, for the same committee, on a petition, a Bill to reimburse any city or town for land owned by the Commonwealth under the care and control of the Department of Food and Agriculture (House, No. 2828).

By the same member, for the same committee, on a petition, a Bill authorizing the Commonwealth to acquire certain land in the town of Douglas (House, No. 3825).

By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Planning and Operations to convey certain easements in land in the town of Tewksbury (House, No. 4386).

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill establishing special license plates commemorating a hundred years of volleyball (House, No. 384) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4803).

By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in North Reading (House, No. 439) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4804) [Local Approval Received].
By the same member, for the same committee, that the Bill authorizing the Commissioner of the Division of Capital Planning and Operations to transfer certain land parcels located in the town of Southborough (House, No. 2473) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4805).

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to the sale and warranty of customized wheelchairs (House, No. 1074, changed) ought to pass. Placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Rogers of Norwood, for the committee on Banks and Banking, on House, No. 1057, a Bill relative to the payment and receipt of good funds in mortgage transactions (House, No. 4808).

By Mr. Turkington of Falmouth, for the committee on Counties, on a petition, a Bill establishing the Cape Cod greenways, pathways and recreational tourism fund (House, No. 4677).

By Mr. Haley of Weymouth, for the committee on Criminal Justice, on Senate, No. 227 and House, No. 1971, a Bill to further regulate the penalty for entering a dwelling house in the nighttime and breaking and entering in the daytime (House, No. 1971).

By the same member, for the same committee, on Senate, No. 186 and House, Nos. 1082 and 1975, a Bill relative to shoplifting (House, No. 1975).

By the same member, for the same committee, on a petition, a Bill relative to throwing or dropping objects on a public way (House, No. 2336) [Representative Gomes of Harwich dissenting].

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill to enhance gender equity in education (House, No. 2152).

By the same member, for the same committee, on a petition, a Bill relative to registered nurses in schools (House, No. 2350).

By the same member, for the same committee, on a petition, a Bill providing for teacher evaluation by parents and pupils (House, No. 3103, changed by striking out the sentence contained in lines 7 to 10, inclusive, and inserting in place thereof the following sentence: "The evaluation shall be by the students and parents to be shared with the teacher and principal.").

By the same member, for the same committee, on a petition, a Bill relative to school personnel (House, No. 3512).

By the same member, for the same committee, on a petition, a Bill relative to the teaching of African-American history in public schools (House, No. 4103, changed in section 1 by inserting after the word "curriculum", in line 5, the words "only in those school districts where a history course is offered").
By the same member, for the same committee, on House, Nos. 1280, 2150 and 4105, a Bill relative to compulsory violence prevention education programs in public schools (House, No. 4105).

By Mr. Lane of Holden, for the same committee, on a petition, a Bill to clarify the responsibilities of principals (House, No. 4447).

By Mrs. Cleven of Chelmsford, for the same committee, on House, Nos. 2340 and 3515, a Bill concerning professional teacher status (House, No. 2340, changed by striking out section 2).

By the same member, for the same committee, on a petition, a Bill regarding presidential preference balloting in the city of Boston (House, No. 4660) [Local Approval Received].

By Mr. Glodis of Worcester, for the committee on Election Laws, on a petition, a Bill allowing for early voting in the Commonwealth (House, No. 3523).

By the same member, for the same committee, on a petition, a Bill further amending the campaign finance and lobbying laws (House, No. 3527, changed by striking out sections 3 to 15, inclusive; and in section 16 by striking out, in line 1, the word “January” and inserting in place thereof the word “July”).

By the same member, for the same committee, on House, No. 3524, a Bill further regulating the employment of certain former state employees (House, No. 4806).

By Mr. Herren of Fall River, for the committee on Energy, on House, No. 3327, a Bill relative to nuclear power plant emergency planning (House, No. 4807).

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on a petition, a Bill providing the criminal records of certain persons to the Department of Elder Affairs (House, No. 4467).

By the same member, for the same committee, on a petition, a Bill authorizing designated social workers to perform certain forensic evaluations (House, No. 4473).

By Mr. McIntyre of New Bedford, for the committee on the Judiciary, on a petition, a Bill relative to the adoption proceedings of Shoshanna Yanik (House, No. 4773).

By Mr. Caron of Springfield, for the committee on Public Safety, on a petition, a Bill relative to gas, electric or oil fueled heating systems (House, No. 3192, changed by inserting after the word “gas-fueled”, in line 2, the words “, electric or oil”; and by inserting after the word “gas”, in line 3 and also, in the title, the words “, electric or oil”).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill relative to private non-profit agencies (House, No. 2111).

By the same member, for the same committee, on a petition, a Bill relative to state contracts with private provider agencies (House, No. 4384).

By Mr. Cahir of Bourne, for the committee on Transportation, on a petition, a Bill to establish the Mark S. Charbonnier Tunnel (House, No. 482).
Worcester,—
pavement
markings.

Railroad
rights of way.

Hyde Park,—
Kearney
Bridge.

Chelsea and
Revere,—
Sullivan
Memorial
Bridge.

Billerica,—
bridge
transfer.

Route 3,—
traffic.

Boston
metropolitan
area,—
highway
system.

Students,—
expulsion.

Patient
rights.

Registers
of probate,—
administrators.

Witnesses,—
competency.

By the same member, for the same committee, on a petition, a
Bill authorizing the Massachusetts Highway Department to approve
pavement markings of non-standard colors to reflect the ethnic and
cultural heritage of certain locations within the city of Worcester
(House, No. 1054) [Local Approval Received].

By the same member, for the same committee, on a petition, a
Bill relating to the requirement of approval for certain lands
formally appurtenant to railroad right of ways (House, No. 2497).

By the same member, for the same committee, on a petition, a
Bill designating a certain bridge in Hyde Park as the Joseph M.
Kearney Bridge (House, No. 3280).

By the same member, for the same committee, on a petition, a
Bill designating a certain bridge as the PFC Dennis J. Sullivan
Memorial Bridge (House, No. 4232, changed by striking out, in
line 6, the words “department of highways” and inserting in place
thereof the words “metropolitan district commission”; and by strik-
ing out, in line 7, the word “department” and inserting in place
thereof the word “commission”).

By the same member, for the same committee, on a petition, a
Bill relative to the transfer of a certain bridge in the town of
Billerica to the Department of Highways (House, No. 4559) [Local
Approval Received].

By the same member, for the same committee, on a petition, a
Bill relative to traffic on Route 3 (House, No. 4560).

By the same member, for the same committee, on a petition, a
Bill relating to procedures used by superintendents of schools receiv-
ing students expelled for disciplinary reasons.

By Mr. Finneran of Boston, for the committee on Ways and Means,
on a message from His Excellency the Governor (House, No. 285)
reports, in part, a Bill creating a unified transportation system in the
Boston metropolitan area (House, No. 4802).

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

By Mrs. Owens-Hicks of Boston, for the committee on
Education, Arts and Humanities, ought NOT to pass, on the petition
(accompanied by bill, House, No. 3895) of John F. Quinn and
Mark C. Montigny relative to procedures used by superintendents of
schools receiving students expelled for disciplinary reasons.

By Ms. Buell of Greenfield, for the committee on Health Care,
ought NOT to pass, on the petition (accompanied by bill, House,
No. 546) of John H. Rogers and other members of the House relative
to patients’ rights on obtaining information of increased risks of
breast cancer in abortion proceedings.

By Mr. McIntyre of New Bedford, for the committee on the
Judiciary, ought NOT to pass, on the petition (accompanied by bill,
House, No. 3136) of Salvatore F. DiMasi, Robert A. DeLeo and
another for legislation to permit registers of probate to issue certifi-
cates of appointment to voluntary administrators and voluntary
executors.

By the same member, for the same committee, ought NOT to
pass, on the petition (accompanied by bill, House, No. 3159) of
Salvatore F. DiMasi relative to alternative procedures for determin-
ing competency to testify and for taking the testimony of a witness
with mental retardation.
By Mr. Caron of Springfield, for the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 3197) of Patrick F. Landers III relative to the installation, repair or maintenance of underwater hydroelectric facilities by scuba divers.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3201) of AFSCME Council 93 and John A. Stefanini that special state police officers in the higher education system of the Commonwealth be provided with bullet proof vests.

By Mr. Rushing of Boston, for the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 3445) of John J. Binienda and William J. Glodis, Jr., relative to collective bargaining for public employees.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4002) of the Mass. Chiefs of Police Association and Joseph B. McIntyre relative to punishment duty for police officers.

By Mr. Cahir of Bourne, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2878) of Frank M. Hynes relative to the personnel policies of the Massachusetts Bay Transportation Authority.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2879) of William P. Nagle, Jr., and Stanley C. Rosenberg that the Department of Public Works be directed to include the district 2 headquarters in the town of Hatfield in official publications.

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

Engrossed Resolve.

The engrossed Resolve establishing a special commission for the purpose of devising plans for the observance of certain centennial and bicentennial celebrations relative to the State House (see House, No. 286) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills
Authorizing the town of Tewksbury to accept certain streets (House, No. 367); and
Authorizing the town of Tisbury to reimburse certain tax payments (House, No. 2067);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.
The Senate Bill authorizing the town of Tewksbury to lease certain real estate (Senate, No. 1064, changed) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Said committee reported recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding the provisions of section three of chapter forty of the General Laws, the town of Tewksbury is hereby authorized to execute a license agreement or lease of the Foster school and its land located in said town for an initial term not to exceed thirty years.

SECTION 2. Notwithstanding the provisions of section three of chapter forty of the General Laws, the town of Tewksbury is hereby authorized to execute a license agreement or lease of the land to be conveyed to said town under the provisions of chapter three hundred and fourteen of the acts of nineteen hundred and ninety-three for a term not to exceed thirty years."

The amendment was adopted; and the bill (Senate, No. 1064, changed and amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence.

The House Bill establishing a board of selectmen-town administrator form of government in the town of West Boylston (House, No. 3383, changed) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out section 16 (previously inserted by change).

The amendment was adopted; and the bill (House, No. 3383, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Cohen of Newton (Mr. Serra of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.
Tuesday, April 4, 1995.

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:

Lord God, we focus our thoughts and attention on You, Our Creator, during this moment of prayer. In Your kindness, grant us the courage and the will to implement in our lives the virtues and values which You have made known to us. Help us to build in our communities a spirit of trust, good will, and cooperation so that the people and our institutions will prosper and be well-served to meet the challenges of the times. Inspire us to motivate people by reasonable, relevant and creative legislation to utilize their talents for both self and community improvement and benefit.

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

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

*Messages from the Governor.*

A message from His Excellency the Governor recommending legislation relative to certain state land in the town of Danvers (House, No. 4809) was filed in the office of the Clerk on Monday, April 3.

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

A message from His Excellency the Governor recommending legislation relative to authorizing the Commissioner of the Division of Capital Planning and Operations to acquire certain parcels of land in the town of Ashland (House, No. 4812) was filed in the office of the Clerk during today’s sitting.

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

A message from His Excellency the Governor recommending legislation relative to authorizing the Commissioner of the Division of Capital Planning and Operations to acquire a certain parcel of land in the town of Framingham (House, No. 4813) was filed in the office of the Clerk during today’s sitting.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on State Administration. Sent to the Senate for concurrence.
The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Brenton of Burlington) congratulating the Burlington High School boys gymnastic team on winning the nineteen hundred and ninety-five Massachusetts Boys Gymnastics Championship; and

Resolutions (filed by Mr. Casey of Winchester) congratulating Diane M. Kottmyer on her appointment to the Superior Court Department of the Trial Court of the Commonwealth;

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

On motion of Mr. Finneran of Boston,—

Ordered, That all amendments to the General Appropriation Bill (see House document numbered 5000), being considered by the House for fiscal year nineteen hundred and ninety-six, shall be filed by the members of the House of Representatives with the Clerk no later than twelve o'clock noon on Monday, April 10.

A report of the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 27) of Matthew J. Amorello for legislation to limit finance charges assessed by insurance companies for installment payments of motor vehicle insurance, — and recommending that the same be referred to the committee on Insurance.

A report of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1384) of Michael W. Morrissey, Joseph C. Sullivan and William T. Salisbury for legislation relative to arbitration and mediation agreements, — and recommending that the same be referred to the committee on Commerce and Labor.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 1831) of Lucile P. Hicks and Nancy H. Evans (by vote of the town) for legislation relative to a certain conservation restriction in the town of Wayland, 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. 1839) of Henri S. Rauschenbach for legislation to further regulate unemployment benefits. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 1840) of Henri S. Rauschenbach, Thomas S. Cahir, Eric Turkington, Edward B. Teague III, John C. Klimm, Therese Murray, Shirley Gomes and Charles N. Decas for legislation to provide for capital improvements to and the continued safe operation of the Barnstable County House of Correction. To the committee on Public Safety.

Reports of Committees.

Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor (House, No. 1), reports, in part, a Bill making appropriations for the fiscal year nineteen hundred and ninety-six for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5000), which was read [Total Appropriation: $16,799,116,790.00].

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and, pending the question on ordering it to a third reading, further consideration thereof was postponed, on further motion of Mr. Finneran, until Monday, April 10; and specially assigned to the hour of ten o’clock A. M.

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 A. Businger, Paul C. Demakis and Steven A. Tolman for legislation to provide for the alleviation of hardship of tenants in rental units. To the committee on Housing and Urban Development.

Petition (accompanied by bill) of Frank G. Cousins, Jr., for legislation to authorize the Trial Court of the Commonwealth to establish a sick leave bank for Robert White, an employee of said court. To the committee on the Judiciary.

Petition (accompanied by bill) of Frank G. Cousins, Jr., for legislation to authorize the Highway Department to establish a sick leave bank for Michael Regan, an employee of said department. To the committee on Public Service.

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

By Mr. Bosley of North Adams, for the committee on Commerce and Labor, on a petition, a Bill changing the name of the Division of Apprentice Training to the Division of Apprenticeship and Training (House, No. 493).
By the same member, for the same committee, on a petition, a Bill making certain changes in the law regulating apprentice training (House, No. 1062).

By Ms. Buell of Greenfield, for the committee on Health Care, on Senate, No. 490 and House, No. 1987, a Bill to ensure children’s access to health care (House, No. 1987).

By Mrs. Harkins of Needham, for the committee on Housing and Urban Development, on Senate, Nos. 573, 581 and 591 and House, Nos. 552, 1315, 1449, 1835, 1836, 2189, 2190, 2574, 2581, 2582, 2743, 2745, 3117, 3356 and 3548, a Bill to improve housing opportunities for elders and non-elderly persons with disabilities (House, No. 4810).

By Mrs. Menard of Somerset, for the committees on Rules of the two branches, acting concurrently, on a petition, a Bill relative to the special commission investigating the finances of the Massachusetts Bay Transportation Authority (House, No. 4733).

By Mr. Cahir of Bourne, for the committee on Transportation, on House, Nos. 36 and 69, a Bill relative to the inspection of railway bridges (House, No. 69).

By the same member, for the same committee, on House, Nos. 141 and 152, a Bill relative to a comprehensive bicycle plan and program in the Commonwealth (House, No. 152).

By the same member, for the same committee, on a petition, a Bill providing for a study of the use of breakdown lanes on Route 3 (House, No. 1935).

By the same member, for the same committee, on a petition, a Bill relative to bicycle and pedestrian access in construction of public ways (House, No. 1940).

By the same member, for the same committee, on a petition, a Bill relative to construction of Rte. 3 and Rte. 139 (House, No. 2875).

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

Engrossed Bill.

The engrossed Bill designating the fire station located at the General Edward Lawrence Logan International Airport as the Fire Captain Richard V. Muscato Fire Station (see House, No. 1033) (which originated in the House), having seen 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.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Lenox to convey a certain parcel of land (see House, No. 3587) (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 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 47 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 Lenox to lease a certain parcel of land (see House, No. 3588) (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 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 48 in Supplement.] Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

The motion of Mr. Hodgkins of Lee, that the vote be reconsidered by which the House, on Monday, March 27, ordered to a third reading the House Bill regulating the practice of trick or treating (House, No. 3182) was negatived.

House bills

Further regulating the sale and advertising of certain produce and turkeys (House, No. 1168); Relative to eligibility for parole (House, No. 1894); and Protecting the rights of the mentally retarded citizens (House, No. 4734) (its title having been changed by the committee on Bills in the Third Reading);

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

The House Bill designating a certain bridge in Hyde Park as the Joseph M. Kearney Bridge (House, No. 3280) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Scaccia of Boston, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: An Act designating a certain bridge in the Hyde Park section of the city of Boston as the Joseph M. Kearney Bridge. Sent to the Senate for concurrence.
Second reading bill engrossed.
The House Bill relative to the adoption proceedings of Shoshanna Yanik (House, No. 4773) was read a second time; and it was ordered to a third reading.

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

The House Bill relative to the payment and receipt of good funds in mortgage transactions (House, No. 4808) was read a second time; and it was ordered to a third reading.

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

House bills
Second reading
To establish the Mark S. Charbonnier Tunnel (House, No. 482);
Relative to the sale and warranty of customized wheelchairs (House, No. 1074, changed);
To further regulate the penalty for entering a dwelling house in the nighttime and breaking and entering in the daytime (House, No. 1971);
Relative to shoplifting (House, No. 1975);
Concerning professional teacher status (House, No. 2340, changed);
Relative to school personnel (House, No. 3512);
Allowing for early voting in the Commonwealth (House, No. 3523);
Further amending the campaign finance and lobbying laws (House, No. 3527, changed);
Relative to the teaching of African-American history in public schools (House, No. 4103, changed);
Designating a certain bridge as the PFC Dennis J. Sullivan Memorial Bridge (House, No. 4232, changed);
To clarify the responsibilities of principals (House, No. 4447);
Relative to traffic on Route 3 (House, No. 4560);
Regarding presidential preference balloting in the city of Boston (House, No. 4660); and
Relative to nuclear power plant emergency planning (House, No. 4807);
Severally were read a second time; and they were ordered to a third reading.

The House Bill establishing special license plates commemorating a hundred years of volleyball (House, No. 384) was read a second time.
The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill establishing special license plates commemorating one hundred years of volleyball (House, No. 4803), — was adopted.

The substituted bill then was ordered to a third reading.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 4804), — was adopted.

The substituted bill then was ordered to a third reading.

The House Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in North Reading (House, No. 439) was read a second time.

The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 4805), — was adopted.

The substituted bill then was ordered to a third reading.

House reports

Of the committee on Education, Arts and Humanities, ought NOT to pass, on the petition (accompanied by bill, House, No. 3895) of John F. Quinn and Mark C. Montigny relative to procedures used by superintendents of schools receiving students expelled for disciplinary reasons;

Of the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 3136) of Salvatore F. DiMasi, Robert A. DeLeo and another for legislation to permit registers of probate to issue certificates of appointment to voluntary administrators and voluntary executors; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3159) of Salvatore F. DiMasi relative to alternative procedures for determining competency to testify and for taking the testimony of a witness with mental retardation;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 3197) of Patrick F. Landers III relative to the installation, repair or maintenance of underwater hydroelectric facilities by scuba divers; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3201) of AFSCME Council 93 and John A. Stefanini that special state police officers in the higher education system of the Commonwealth be provided with bullet proof vests;
Of the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 3445) of John J. Binienda and William J. Glodis, Jr., relative to collective bargaining for public employees; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4002) of the Mass. Chiefs of Police Association and Joseph B. McIntyre relative to punishment duty for police officers; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 2878) of Frank M. Hynes relative to the personnel policies of the Massachusetts Bay Transportation Authority; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2879) of William P. Nagle, Jr., and Stanley C. Rosenberg that the Department of Public Works be directed to include the district 2 headquarters in the town of Hatfield in official publications;

Severally were accepted.

The House report of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 546) of John H. Rogers and other members of the House relative to patients' rights on obtaining information of increased risks of breast cancer in abortion proceedings, was accepted. Subsequently Miss Barsom of Wilbraham moved that this vote be reconsidered; and the motion to reconsider was placed, under Rule 54, in the Orders of the Day for the next sitting.

The House Bill establishing the Cape Cod greenways, pathways and recreational tourism fund (House, No. 4677) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Ways and Means, on motion of Mr. Finneran of Boston.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Brewer of Barre, the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order.

The House Bill further regulating the membership of the Higher Education Coordinating Council (House, No. 1489) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.
The House Bill to clarify the necessity of lights on certain recreational vehicles (House, No. 1187) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill further regulating equipment on certain recreational vehicles (House, No. 4811), which was read.

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

The House Bill relative to health care professionals (House, No. 1517, changed) was considered.

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

The House Bill standardizing the permissible hours and days of work performed by minors under sixteen (House, No. 2888) was ordered to a third reading.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1904) of Frank M. Hynes that state police cruisers be required to have two troopers on night patrols, was considered.

Pending the question on adoption of the amendment previously offered by Mr. Hynes of Marshfield,— that the report be amended by substitution of the Bill providing for two men state police night patrols (House, No. 1904),— and the main question on acceptance of the report, further consideration thereof was postponed, on further motion of the same member, until after disposition of the remaining matters in the Orders of the Day.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 4530) of Jo Ann Sprague for legislation to require the Colonel of the State Police to assign two police officers to each cruiser during nighttime hours, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mrs. Sprague of Walpole, until after disposition of the remaining matters in the Orders of the Day.

The House Bill authorizing the Massachusetts Highway Department to approve pavement markings of non-standard colors to reflect the ethnic and cultural heritage of certain locations within the city of Worcester (House, No. 1054) was read a second time.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Transportation, on motion of Mr. Cahir of Bourne.
The House Bill relative to private non-profit agencies (House, No. 2111) was read a second time; and it was ordered to a third reading.

The House Bill to enhance gender equity in education (House, No. 2152) was read a second time; and after debate it was ordered to a third reading.

The House Bill relative to throwing or dropping objects on a public way (House, No. 2336) 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. Haley of Weymouth, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to registered nurses in schools (House, No. 2350) was read a second time.

After debate on the question on ordering the bill to a third reading, it was referred to the committee on Ways and Means, on motion of Mrs. Owens-Hicks of Boston.

The House Bill relating to the requirement of approval for certain lands formally appurtenant to railroad right of ways (House, No. 2497) 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. Cahir of Bourne, until after disposition of the remaining matters in the Orders of the Day.

The House Bill providing for teacher evaluation by parents and pupils (House, No. 3103, changed) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Ways and Means, on motion of Mrs. Owens-Hicks of Boston.

The House Bill relative to gas, electric or oil fueled heating systems (House, No. 3192, changed) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Caron of Springfield moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding any general or special law to the contrary, before placing a residential home with a fossil fueled or wood fueled heating system up for sale, the homeowner shall have the heating company which provides the heating service to that house perform a mandatory inspection of the system to detect any leaking carbon monoxide; provided that a homeowner with an oil-fired system may have a licensed oil burner technician perform a combustion efficiency test of the system to certify that it is not leaking carbon monoxide. Written documentation from said heating company shall be provided to the homeowner and all prospective buyers."
The amendment was adopted; and the bill (House, No. 3192, changed and amended) was ordered to a third reading.

The House Bill relative to compulsory violence prevention education programs in public schools (House, No. 4105) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Ways and Means, on motion of Mrs. Owens-Hicks of Boston.

The House Bill relative to state contracts with private provider agencies (House, No. 4384) was read a second time; and it was ordered to a third reading.

The House Bill providing the criminal records of certain persons to the Department of Elder Affairs (House, No. 4467) 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. Kollios of Millbury, until after disposition of the remaining matters in the Orders of the Day.

The House Bill authorizing designated social workers to perform certain forensic evaluations (House, No. 4473) was read a second time; and it was ordered to a third reading.

The House Bill relative to the transfer of a certain bridge in the town of Billerica to the Department of Highways (House, No. 4559) 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. Greene of Billerica, until after disposition of the remaining matters in the Orders of the Day.

The House Bill creating a unified transportation system in the Boston Metropolitan area (House, No. 4802) was read a second time.

After debate on the question on ordering the bill to a third reading, Mr. Teague of Yarmouth moved that further consideration thereof be postponed until tomorrow and specially assigned to the hour of one o'clock P.M.

After debate on the question on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 39 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 49 in Supplement.]

Therefore the motion to postpone was negatived.

Mr. Finneran of Boston then moved that the bill be amended by inserting before the enacting clause the following emergency preamble:

[See Yea and Nay No. 49 in Supplement.]
Boston metropolitan area highway system.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a unified transportation system in the Boston metropolitan area, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted.

There being no objection,— Representatives Paulsen of Belmont, Voke of Chelsea and Kulik of Worthington moved that the bill be amended inserting after section 5 (as printed) the following section:

"SECTION 5A. On or before December 1, 1995 the House Post Audit and Oversight Committee will develop jointly with the State Auditor and the Inspector General a comprehensive oversight plan (The Oversight Plan) for the CA/THT.

To assure its comprehensiveness, this plan will ascertain the federal role in oversight of this project and the role and responsibilities of the state officers and departments.

The Oversight Plan shall include the following:

(1) A special office within the office of the Inspector General that will:

a. Review the revenue and expense budget in order to quantify the effects of inflation and identify shortfalls in revenues and over expenditures in specific accounts.

b. Recommend adjustments and corrections to the budget and project plans in order to insure the long term financial stability of the CA/THT.

c. Report such recommendations in a timely fashion to the House and Senate Ways and Means Chairmen and to the Joint Committee on Transportation.

(2) Provisions for adequate staffing to accomplish the above mission. Such staffing will include persons with experience in oversight of large complex capital projects, contract procurement, contract negotiations and with successful involvement in public/private partnerships."

The amendment was adopted.

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

"SECTION 15. Notwithstanding any law or regulation to the contrary, no toll for services on the Massachusetts Turnpike or the Tobin Bridge shall be permitted to increase for five years subsequent to the passage of this act; and no increase in any such tolls in excess of two and one-half percent per year shall be permitted to occur thereafter. No new tollbooths may be constructed on said roadways without prior legislative approval."

After remarks on the question on adoption of the amendment, Mr. Finneran of Boston and other members of the House moved, there being no objection, that the amendment offered by Mr. Tolman of Boston be amended by striking out the text contained therein and inserting in place thereof the following:
“SECTION 15. Notwithstanding any general or special law to the contrary, the authority is prohibited from increasing tolls at any of its toll facilities in existence as of January 1, 1995, excepting the establishment of a toll on the third harbor tunnel, prior to January 1, 1997, or prior to the submission of the feasibility study described in section 5 to the general court and the Governor, whichever occurs last.”

After remarks the further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Tolman.

After remarks Messrs. Brewer of Barre, Peters of Charlton, Cahir of Bourne, Cohen of Newton and Finneran of Boston moved, there being no objection, that the bill be amended in section 9 (as printed) by inserting after the word “prohibited”, in line 3, the words “; provided, however, that this prohibition shall not apply to the component parts of the Central Artery/Metropolitan Highway System, so-called, as defined in this act”.

After remarks the amendment was adopted.

There being no objection, — Messrs. Demakis of Boston and Rushing of Boston moved that the bill be amended in section 7 (as printed) by inserting after the words “South End”, in line 6, the words “, Bay Village”; by inserting after the word “impacts”, in line 12, the words “with respect to each ramp”; by striking out, in line 27, the words “and noise” and inserting in place thereof the words “, noise and air quality”; by inserting after the word “of”, in line 30, the word “direct”; by inserting after the words “South End”, in line 32, the words “, Bay Village”; and by striking out, in line 45, the words “by said commission”.

The amendments were adopted.

There being no objection, — the same members moved that the bill be amended in section 7 (as printed) by inserting after line 59 the following paragraph:

“If the Boston redevelopment authority and the Massachusetts turnpike authority cannot in any particular instance agree on the findings, conclusions and recommendations relating to the issues and impacts to be studied pursuant to this section, then each entity is further authorized and directed to provide a separate written comment on the finding, conclusion and recommendation in dispute as part of the final report required by this section.”.

The amendment was adopted.

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

“SECTION 16. Notwithstanding any general or special law to the contrary, clause 26 of section 7 of chapter 4 shall apply to the records of the Massachusetts Turnpike Authority, and such records shall be considered public records that are open to public inspection.”.

The amendment was adopted.

Mr. Teague then moved that the bill be amended in section 2 (as printed) by striking out the paragraph contained in lines 3 to 67, inclusive, and inserting in place thereof the following two paragraphs:
Boston metropolitan area highway system.

"The Massachusetts Department is authorized and directed to, not less than thirty days after the passage of this bill, solicit bids for the privilege to operate, maintain, and collect tolls for the Third Harbor Tunnel. Said bids shall not be opened less than ninety days after the passage of this bill. Any entity, private or public, including the Massachusetts Turnpike Authority and the Massachusetts Port Authority, shall have the option to place a bid with the Massachusetts Highway Department for the privilege to operate, maintain, and collect tolls on the third harbor tunnel. The Massachusetts Highway Department shall determine and adjust from time to time the requirements for the repayment of debt incurred by the Commonwealth for the Third Harbor Tunnel and set a toll rate sufficient to repay all debt, and also to cover the costs associated with maintenance and operation. All revenues derived from toll collection shall be deposited into the General Fund of the Commonwealth.

Notwithstanding any general or special law to the contrary, section 1 shall not be subject to the provisions of chapter 296 of the acts of 1993."

After debate on the question on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Sullivan of Abington; and on the roll call (Mr. Serra of Boston being in the Chair) 45 members voted in the affirmative and 113 in the negative.

[See Yea and Nay No. 50 in Supplement.]

Therefore the amendment was rejected.

Mr. Guerriero of Melrose then moved that the vote be reconsidered by which the House adopted an amendment in section 9 (as printed) by inserting after the word "prohibited", in line 3, the words "; provided, however, that this prohibition shall not apply to the component parts of the Central Artery/Metropolitan Highway System, so-called, as defined in this act".

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Fagan of Taunton; and on the roll call 70 members voted in the affirmative and 86 in the negative.

[See Yea and Nay No. 51 in Supplement.]

Therefore the motion to reconsider was negatived.

Mr. Finneran of Boston then moved that the bill be amended in section 3 (as printed) by striking out, in line 124, the words "two hundred" and inserting in place thereof the words "two hundred and fifty"; and by striking out, in line 162, the words "two hundred" and inserting in place thereof the words "two hundred and fifty".

After debate the amendments were adopted.

There being no objection,— Representatives Finneran of Boston, Paulsen of Belmont and Gardner of Holliston moved that the bill be amended in section 4 (as printed) by striking out the paragraph contained in lines 82 to 85, inclusive, and inserting in place thereof the following paragraph:
“(ii) The Massachusetts highway department is hereby authorized and directed to expend a sum not to exceed four hundred million dollars for the purposes authorized by section 1 of chapter 273 of the acts of nineteen hundred and ninety-four to be used for the continuance of the statewide federally-aided highway construction program as defined in the fiscal years 1995-1997 statewide transportation implementation program to make up for the shortfall of federal funds.”.

The amendment was adopted.

There being no objection,— Representatives Gardner of Holliston and Paulsen of Belmont moved that the bill be amended in section 5 (as printed) by inserting after line 66 the following paragraph:

“(ix) determine how the authority shall work with transportation management associations and other similar regional transportation organizations to reduce vehicle congestion and improve the state’s air quality through a program of transportation demand management which shall, at a minimum, include park and ride facilities at turnpike entrances, carpooling and vanpooling promotions, bus and/or shuttle services and, an active marketing program for these services.”.

The amendment was adopted.

Ms. Gardner then moved that the bill be amended in section 5 (as printed) by inserting after the word “system”, in line 82, the words “and the authority”; and the amendment was adopted.

There being no objection,— Representatives Sullivan of Abington and Evans of Wayland moved that the bill be amended by adding at the end thereof the following section:

“SECTION 17. Notwithstanding any general or special law to the contrary, when all bonds issued under the provisions of this act and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, the turnpike, if then in good condition and repair to the satisfaction of the state department of highways, shall become part of the state highway system and shall thereafter be maintained and operated by said department free of tolls as may be provided by law, and thereupon the authority shall be dissolved and all funds of the authority not required for the payment of the bonds and of the interest thereon shall be paid into the treasury of the commonwealth for the credit of the Highway Fund and all machinery, equipment, and other property belonging to the Authority shall be vested in the commonwealth and delivered to the state department of highways.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Sullivan of Abington; and on the roll call 42 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 52 in Supplement.]

Therefore the amendment was rejected.

There being no objection,— Messrs. Kulik of Worthington, Wagner of Chicopee and Brewer of Barre moved that the bill be amended by adding at the end thereof the following section:
“SECTION 17. The commissioner of the department of highways is hereby authorized and directed to certify the second years apportionment of the funds authorized in item 6010-3950 of section two A of chapter eighty-five of the acts of nineteen hundred and ninety-four to each city and town within thirty days of the effective date of this act and to issue memoranda of agreement to each city and town within sixty days of the effective date of this act.”

The amendment was adopted.

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

“SECTION 18. Notwithstanding any general or special law to the contrary, one million dollars shall be transferred from line item 6033-9515 to line items 0710-0000, 0810-0000 and 0910-0200, on an equal basis, to provide for additional on site auditors and investigatory personnel to monitor activities related to the Central Artery/Third Harbor Tunnel Project. The Attorney General, State Auditor and Inspector General shall utilize these funds to perform financial and performance audits and other investigations, as needed, to promote cost savings and engineering efficiency on said project.”

The amendment was adopted.

Mr. Finneran of Boston being in the chair,— Mr. Serra of Boston then moved that the bill be amended in section 4 (as printed) by striking, in lines 26 and 27, the words “authority relating to the third harbor tunnel, the callahan tunnel and the sumner tunnel” and inserting in place thereof the following: “metropolitan highway system, as may be created by the legislature pursuant to the feasibility study in subsection (b) of section 5”.

The amendment was adopted.

Mr. Serra being in the Chair,— Representatives Gardner of Holliston and Paulsen of Belmont moved, there being no objection, that the bill be amended in section 5 (as printed) by adding at the end thereof the following paragraph:

“The executive office of transportation and construction and the authority shall consult with the metropolitan area planning council before submitting the results, findings and recommendations of the feasibility studies pursuant to subsection (a) and (b) of this section.”

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 4 (as printed) by striking out, in lines 72 and 73, the words “and subject to the written approval of the house and senate committees on ways and means” and inserting in place thereof the words “and subject to further legislative approval”; and the amendment was adopted.

Mr. Lynch of Boston then moved that the bill be amended in section 6 (as printed) by inserting after the word “tunnel”, in line 40, the words “the Callahan tunnel and the Sumner tunnel”.

The amendment was adopted.
There being no objection,— Messrs. Landers of Palmer and Cahir of Bourne moved that the bill be amended in section 4 by striking out, in paragraph (c) (iii) (inserted by amendment), the words "four hundred million dollars" and inserting in place thereof the words "three hundred and thirty million dollars".

The amendment was adopted.

After remarks Mr. Finneran of Boston moved that the bill be amended in section 15 (added by amendment) by adding at the end thereof the words "; provided, however, that the authority be authorized to increase tolls for commercial vehicles using the Callahan tunnel and the Sumner tunnel commensurate with the tolls charged to commercial vehicles using the third harbor tunnel".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 119 members voted in the affirmative and 39 in the negative.

[See Yea and Nay No. 53 in Supplement.]

Therefore the amendment was adopted.

On the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 88 members voted in the affirmative and 69 in the negative.

[See Yea and Nay No. 54 in Supplement.]

Therefore the bill 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; and it was passed to be engrossed, its title having been changed by said committee to read: An Act establishing a unified transportation system in the Boston metropolitan area. Mr. Cahir of Bourne moved that this vote be reconsidered; and, there being no objection, the motion to reconsider was considered forthwith, and it was negatived. The bill (House, No. 4814, printed as amended) then was sent to the Senate for concurrence.

The House Bill further regulating the employment of certain former state employees (House, No. 4806) was read a second time; and it was ordered to a third reading.

Order.

On motion of Mr. Cohen of Newton,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.
Mr. Cahir of Bourne 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-nine minutes after five o'clock P.M. (Mr. Serra of Boston being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
Met according to adjournment, at eleven o’clock A.M., in an Informal Session, with Mr. 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 thank You for the material and spiritual gifts and blessings which You bestow upon us. We are grateful, too, for the love and concern for the well-being of our families, friends and associates. Teach us to be aware of the needs of others in our communities. Help us to continue to build a society in which the dignity, rights and the needs of all are recognized. Inspire us to do our part in making our communities peaceful, safe and prosperous so that all have the opportunity of participating in and enjoying the material benefits of living in our country and Commonwealth.

Grant Your blessings to 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.

A message from His Excellency the Governor recommending legislation relative to the terms of certain bonds and notes to be issued by the Commonwealth (House, No. 4834) was filed in the office of the Clerk on Wednesday, April 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.

Resolutions.

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

- Resolutions (filed by Mrs. Hahn of Westfield) honoring Marjorie Williams for her years of community service;
- Resolutions (filed by Mrs. Hahn of Westfield) honoring the Very Reverend Earl Whepley;
- Resolutions (filed by Mr. Iannuccillo of Lawrence) congratulating Mr. and Mrs. Jose Faria on the occasion of their fifty-fifth wedding anniversary;
- Resolutions (filed by Ms. Kerans of Danvers) congratulating Walter C. Roberts, Sr., of the Danvers Police Department on the occasion of his retirement;
Resolved, that the following petitions be and the same is hereby referred to the committe on the Judiciary:

Mr. Giglio of Medford, petition (accompanied by bill, House No. 4835) of Anthony P. Giglio and others for legislation to further regulate visitation rights for grandparents. To the committee on the Judiciary. Sent to the Senate for concurrence.

Mr. Binienda of Worcester presented a petition (accompanied by bill, House No. 4836) of John J. Binienda, Raymond V. Mariano (mayor), William J. Glodis, Jr., Harriette L. Chandler, Vincent A. Pedone and William J. McManus II (with the approval of the mayor and city council) relative to the acquisition of blighted buildings by the city of Worcester; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Mr. Glodis of Worcester presented a petition (subject to Joint Rule 12) of William F. Galvin and William J. Glodis, Jr., for an investigation by a special commission (including members of the General Court) relative to reform of Article XLVIII of the Amendments to the Constitution and changes concerning the initiative petition and the referendum petition process; and the same was referred, under Rule 24, to the committee on Rules.

Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. Glodis, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by resolve) was referred to the committee on Election Laws. Sent to the Senate for concurrence.
Mr. Miceli of Wilmington presented a petition (subject to Joint Rule 12) of James R. Miceli for legislation to provide for the voluntary certification of professional clinical pastoral counselors; and the same was referred, under Rule 24, to the committee on Rules.

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

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley for legislation to authorize the Commissioner of Labor and Industries to suspend certain child labor laws in an emergency or conditions of hardship.

By Mr. Businger of Brookline, petition (subject to Joint Rule 12) of the Group Against Smoking Pollution and John A. Businger for legislation to provide for the words “tobacco use” to be placed on death certificates.

By the same member, petition (subject to Joint Rule 12) of the Tobacco Control Resource Center, John A. Businger and Byron Rushing for legislation to regulate the investment in tobacco companies of pension funds of the Commonwealth.

By Mr. Cahir of Bourne, petition (subject to Joint Rule 12) of Thomas S. Cahir and Edward B. Teague III relative to the office of treasurer of Barnstable County.

By the same member, petition (subject to Joint Rule 12) of Thomas S. Cahir relative to the penalties for failure to stop a motor vehicle on the order or signal of a police officer.

By the same member, petition (subject to Joint Rule 12) of Thomas S. Cahir relative to the use of septic systems.

By the same member, petition (subject to Joint Rule 12) of Thomas S. Cahir for legislation to prohibit the operation of motor vehicles by persons wearing headphones.

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey and another relative to ordinary disability retirement allowances.

By Mr. Decas of Wareham (by request), petition (subject to Joint Rule 12) of Charles Goodwin relative to the excise tax on cigarettes.

By Ms. Evans of Wayland, petition (subject to Joint Rule 12) of Nancy H. Evans and other members of the House for legislation to exempt certain school districts from regulations promulgated by the Department of Education.

By Mr. Giglio of Medford, petition (subject to Joint Rule 12) of Anthony P. Giglio for legislation to authorize the Personnel Administrator to certify and to place first on the eligible list the name of Jason S. Stowers for the position of police officer in the Commonwealth.
By Mr. Hawke of Gardner (by request), petition (subject to Joint Rule 12) of William C. Foster for legislation to authorize the Board of State Examiners of Plumbers and Gas Fitters to establish a procedure for the licensing of septic system installers.

By Mr. Iannuccillo of Lawrence, petition (subject to Joint Rule 12) of M. Paul Iannuccillo for legislation to designate the road presently known as Training School Road located in the city of Lawrence as Commonwealth Drive.

By Mr. McIntyre of New Bedford, petition (subject to Joint Rule 12) of Joseph B. McIntyre and Robert A. Antonioni for legislation to extend the reporting date of the special commission established to develop a full range of options concerning sentencing.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli for legislation to provide for the voluntary certification of professional clinical pastoral counselors.

By Mr. Panagiotakos of Lowell, petition (subject to Joint Rule 12) of Steven C. Panagiotakos, Thomas A. Golden, Jr., and Edward A. LeLacheur for legislation to designate the bridge located on School Street in the city of Lowell as the Korean War Veterans Memorial Bridge.

By Ms. Resor of Acton, petition (subject to Joint Rule 12) of Pamela P. Resor for legislation to authorize the establishment of science technology centers.

By Mr. Scibelli of Springfield, petition (subject to Joint Rule 12) of Anthony M. Scibelli for legislation to authorize the county commissioners of Hampden County to conduct a feasibility study of certain court facilities in said county.

By Mr. Sullivan of Braintree, petition (subject to Joint Rule 12) of Joseph C. Sullivan relative to the transportation of school children in kindergarten through grade six.

By Mr. Turkington of Falmouth, petition (subject to Joint Rule 12) of Eric Turkington for legislation to exempt Martha's Vineyard from certain provisions of the law concerning charter schools.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee, Mary Jeanette Murray, Janet W. O'Brien, A. Stephen Tobin and Maryanne Lewis for legislation to authorize an income tax deduction for persons utilizing the services of day care facilities for children.

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

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the petition of Frank G. Cousins, Jr., relative to the payment of benefits by the Newburyport Police Relief Association, Inc. Under suspension of Rule 42, on motion of Mr. Cousins of Newburyport, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on Insurance. Sent to the Senate for concurrence.
By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Paul E. Caron relative to the employment rights of volunteer ambulance service employees. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Eric Turkington for legislation to authorize the county commissioners of the county of Dukes County to renovate a certain court house. To the committee on Counties.

Petition (accompanied by bill) of Steven C. Panagiotakos relative to decreasing the proliferation of prostitution. To the committee on Criminal Justice.

Petition (accompanied by bill) of Patricia A. Walrath and other members of the General Court for legislation to change the formula used to calculate the minimum required contributions of the member municipalities of regional school districts. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Owen D. Duff relative to the supplying of water to tenants by certain landlords. To the committee on Housing and Urban Development.

Petition (accompanied by bill) of John E. McDonough and other members of the House for legislation to prohibit insurance companies from denying, cancelling or failing to renew policies because the individual is a victim of domestic violence. To the committee on Insurance.

Petition (accompanied by bill) of Robert M. Jones relative to the possession and transportation of certain gambling devices; and

Petition (accompanied by bill) of Robert Correia and other members of the House relative to liability for injuries received while in the commission of a crime;

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of John C. Klimm relative to the administration of the West Barnstable Fire District; and

Petition (accompanied by bill) of John C. Klimm relative to the West Barnstable Fire District;

Severally to the committee on Local Affairs.

Petition (accompanied by bill) of Paul E. Caron relative to persons registering as organ donors with the Registry of Motor Vehicles;

Petition (accompanied by bill) of Paul E. Caron for legislation to require companies leasing vehicles to employees to register said vehicles with the Registry of Motor Vehicles;

Petition (accompanied by bill) of John E. Kolesar for legislation to authorize the Registrar of Motor Vehicles to replace certain old, worn or illegible motor vehicle registration plates;

Petition (accompanied by bill) of Paul E. Caron relative to the expiration date on the placards issued to handicapped persons by the Registry of Motor Vehicles;
Petition accompanied by bill) of Paul E. Caron and James D. Colt for legislation to authorize certain medical health care personnel to notify the Registry of Motor Vehicles when they believe a patient is mentally, physically or in any other way incapable of operating a motor vehicle; and

Petition (accompanied by bill) of Edward F. Callahan and David F. Gately that the Registrar of Motor Vehicles be authorized to issue a distinctive motor vehicle plate to members of the Marine Corps League;

Severally to the committee on Public Safety.

Petition (accompanied by bill) of Paul E. Caron for legislation to include all security guards employed by Hampden County in Group 2 of the contributory retirement system;

Petition (accompanied by bill) of Carol C. Cleven and Lucile P. Hicks for legislation to authorize the State Board of Retirement to credit certain service to Ethel Kamien, a former employee of the University of Massachusetts at Lowell; and

Petition (accompanied by bill) of Paul E. Caron relative to certain hearings by the Public Employee Retirement Administration;

Severally to the committee on Public Service.

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

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

Petition (accompanied by bill) of Paul E. Caron and James P. Jajuga for legislation to provide for a tax deduction for certain contributions to municipalities;

Petition (accompanied by bill) of John C. Klimm and another for legislation to authorize the Division of Child Support Enforcement of the Department of Revenue to establish a fund to be known as the "Unidentified Child Support Payment Fund"; and

Petition (accompanied by bill) of John C. Klimm relative to unidentified child support payments;

Severally to the committee on Taxation.

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. Rushing of Boston, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for James Don Francisco, an employee of the Department of Revenue (House, No. 4765), which was read.

Under suspension of the rules, on motion of Mr. McManus of Worcester, the bill was read a second time and (having been reported by the committee on Bills in the Third Reading to be cor-
Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor (House, No. 1), reports, in part, a Bill relative to bond authorizations to meet certain capital emergencies of the Commonwealth (House, No. 4817) [Bond Issue: $95,450,000.00]. Placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Bosley of North Adams, for the committee on Commerce and Labor, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2510) of Antonio F. D. Cabral, Philip Travis, Steven Angelo and Joseph B. McIntyre for legislation to further regulate the sale of certain petroleum products,— and recommending that the same be referred to the committee on Energy:

Of the petition (accompanied by bill, House, No. 1255) of Steven Angelo and Walter A. DeFilippi relative to the disclosure of certain solicitations,— and recommending that the same be referred to the committee on Government Regulations;

Of the petition (accompanied by bill, House, No. 487) of James T. Brett, William G. Greene, Jr., and another for legislation to further regulate the hearing procedures of the Labor Relations Commission; and

Of the petition (accompanied by bill, House, No. 499) of Joseph B. McIntyre and another for legislation to further define the responsibilities of the Labor Relations Commission relative to work stoppages;

And recommending that the same severally be referred to the committee on Public Service;

Of the petition (accompanied by bill, House, No. 4066) of Nancy H. Evans, J. James Marzilli, Jr., and Walter A. DeFilippi relative to the deductibility of compensation for corporate officers,— and recommending that the same be referred to the committee on Taxation;

By Mr. Haley of Weymouth, for the committee on Criminal Justice, asking to be discharged from further consideration of so much of the message from His Excellency the Governor recommending legislation relative to the privacy, protection and other rights of victims of crime (House, No. 4746) as relates to An Act authorizing certain medical tests for convicted sex offenders (App. C),— and recommending that the same be referred to the committee on Health Care.

By Mrs. Harkins of Needham, for the committee on Housing and Urban Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 4710) of Edward M. Lambert, Jr., relative to tenant selection procedures for
federal housing programs administered by the Department of Community Affairs,— and recommending that the same be referred to the committee on Human Services and Elderly Affairs;

Of so much of the recommendations of the Executive Office of Public Safety (House, No. 212) as relates to the Architectural Access Board (accompanied by bill, House, No. 229),— and recommending that the same be referred to the committee on Public Safety; and

By Mr. Petrolati of Ludlow, for the committee on Local Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3774) of Paul Kujawski relative to the removal of fire chiefs from certain towns and districts,— and recommending that the same be referred to the committee on Public Service.

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

By Mr. Petrolati of Ludlow, for the committee on Local Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 4625) of Edward M. Lambert, Jr., for legislation to require testing for balanced air systems in certain buildings,— and recommending that the same be referred to the committee on Science and Technology; and

Of the petition (accompanied by bill, House, No. 576) of M. Joseph Manning and another relative to recreation and park self-supporting service revolving funds in cities and towns;

By Mrs. Gray of Framingham, for the committee on Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 587) of M. Joseph Manning relative to certain municipal expenditures for the construction of incinerators, refuse transfer facilities or other solid waste disposal facilities;

Of the petition (accompanied by bill, House, No. 2235) of Pamela P. Resor and Daniel J. Valianti for legislation to regulate the clean-up of hazardous waste facilities; and

Of the petition (accompanied by bill, House, No. 2616) of Rachel Kaprielian, other members of the General Court and another that the Department of Environmental Protection be directed to establish a household hazardous waste collection grant program;

By Mr. Rushing of Boston, for the committee on Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 421) of the Massachusetts Organization of State Engineers and Scientists and Thomas M. Petrolati relative to public hearings of the Group Insurance Commission;

Of the petition (accompanied by bill, House, No. 974) of the Professional Fire Fighters of Massachusetts and Kevin W. Fitzgerald for legislation to establish a career incentive pay program for fire fighters;
THURSDAY, APRIL 6, 1995.

Of the petition (accompanied by bill, House, No. 1223) of Ellen Story and another for legislation to establish an educational incentive compensation program for county corrections officers and sheriffs' employees;

Of the petition (accompanied by bill, House, No. 2092) of the Boston Fire Fighters Local 718 and Kevin W. Fitzgerald for legislation to include fire fighters in the career incentive pay program; and

Of the petition (accompanied by bill, House, No. 3051) of James V. DiPaola and another relative to the police career incentive pay program for members of the Massachusetts Bay Transportation Authority police force and environmental police officers;

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

Of the petition (accompanied by bill, House, No. 3269) of AFSCME Council 93 and Ellen Story for legislation to prohibit the imposition of parking fees upon employees of the Commonwealth at institutions of higher education; and

Of the petition (accompanied by bill, House, No. 3454) of Shirley Gomes for legislation to require the Commonwealth to reimburse the town of Harwich for acquisition of the Hawks Nest land in said town;

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

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

By Mr. Herren of Fall River, for the committee on Energy, on Senate, Nos. 393, 394 and 399 and House, Nos. 893, 1495, 2553, 2717, 3226, 3328, 3329, 3706 and 4281, an Order relative to authorizing the committee on Energy to make an investigation and study of certain Senate and House documents concerning beverage containers, energy conservation, lighting regulations, nuclear power, home energy rating systems and other related matters (House, No. 4818). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Rushing of Boston, for the committee on Public Service, on a petition, a Bill concerning expanded insurance coverage (House, No. 2650, changed by inserting after the word "therefore", in line 12, the words "; provided, however, that said governmental unit may bargain such benefits"). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Bosley of North Adams, for the committee on Commerce and Labor, on House, Nos. 36 and 62, a Bill relative to coin operated machines (House, No. 62).

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on House, No. 3099, a Bill relative to charter schools (House, No. 4819) [Representatives Toomey of Cambridge, Garry of Dracut and Hargraves of Groton dissenting].
By Ms. Buell of Greenfield, for the committee on Health Care, on Senate, Nos. 489 and 529 and House, Nos. 548, 549, 1308, 2937 and 2938, a Bill providing counseling services for certain pregnant teenagers by the Department of Public Health (House, No. 1308).

By Mr. Rushing of Boston, for the committee on Public Service, on a petition, a Bill providing that the Commonwealth shall pay ninety per cent of the monthly premium rate for the state employee group health insurance plan (House, No. 823).

By the same member, for the same committee, on House, Nos. 2465 and 3215, a Bill defining assault pay (House, No. 4815).

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

Orders of the Day.

House bills
Designating a certain tunnel as the State Trooper Mark S. Charbonnier Tunnel (House, No. 482) (its title having been changed by the committee on Bills in the Third Reading);
Further amending the campaign finance and lobbying laws (House, No. 3527, changed); and
Authorizing the Division of Capital Planning and Operations to transfer easements in land located in the town of Southborough (House, No. 4805) (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.

Order.

On motion of Mr. Finneran of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Monday next at ten o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to print a Calendar containing only (1) the capital outlay program (see House, No. 4817) and (2) the General Appropriation Bill (see House, No. 5000) for said sitting.

At twenty-three minutes after eleven o'clock A.M., on motion of Ms. Gardner of Holliston (Mr. Cohen of Newton being in the Chair), the House adjourned, to meet on Monday next at ten o'clock A.M.
Monday, April 10, 1995.

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

Prayer was offered by the Very Reverend Earl Whepley, Dean of Christ Church Cathedral, in Springfield, as follows:

O Lord, Our Governor, whose glory is in all the world. We commend this Commonwealth to Your merciful care, that being guided by Your providence, we may dwell secure in Your peace. Grant to the Governor, the Senate and especially to the Speaker and members of this House, wisdom and strength to know and do Your will. Fill them with the desire for truth and righteousness, and make them ever mindful of their calling to serve all our citizens in Your fear. As discussion of the budget for the Commonwealth begins today in this House, with conflicting needs and priorities, may the debate be governed by reason, truth and justice. Finally, may the decisions enacted please You, to the glory of Your Name and the welfare of the people of Massachusetts. Amen.

Mrs. Hahn of Westfield then moved that the prayer be spread upon the records of the House; and the motion prevailed.

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 access to reproductive health care (House, No. 4839) was filed in the office of the Clerk on Wednesday, April 5.

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

Statement of Representative Caron of Springfield.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was absent from the House Chamber for a portion of today's sitting due to illness. Any roll calls that I may miss today or tomorrow will be due entirely to the reason stated.

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

Statement Concerning Representative Kerans of Danvers.

During consideration of the Orders of the Day, Mr. Voke of Boston asked unanimous consent to make a statement; and, there being no objection, he addressed the House as follows:
MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kerans of Danvers, will not be present in the House Chamber due to orders from her physician to obtain complete rest. Any roll calls that she may miss today or for the next few days will be due entirely to the reason stated.

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

Resolutions.

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

- Resolutions (filed by Mr. Fagan of Taunton) congratulating the Coyle-Cassidy High School hockey team on winning the Eastern Massachusetts Division 3 Championship;
- Resolutions (filed by Ms. Resor of Acton) on the occasion of the one hundredth anniversary of the dedication of Robbins Stone in Acton; and
- Resolutions (filed by Mrs. Sprague of Walpole) congratulating Donald E. Meears on the occasion of his retirement;

Mr. Voke 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. Fagan, 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.

A report of the State Lottery Commission (under Section 24 of Chapter 10 of the General Laws) relative to the total revenues, prize disbursements and other expenses of the Arts Lottery and the Lottery for the month of February, 1995; and

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 to connection with the depression of the Central Artery and the construction of a third harbor tunnel;

Severally sent to the Senate for its information.

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. 1201) of Robert D. Wetmore for legislation to further define the term "facility" in the hazardous waste facility siting statute, and recommending that the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.
A report of the committee on Insurance, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 727) of W. Paul White for legislation to further regulate Medicaid contracting by the Division of Medical Assistance within the Executive Office of Health and Human Services for home health care,— and recommending that the same be referred to the committee on Health Care.

A report of the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 991) of Michael J. Connolly, William F. Galvin, Secretary of State, Stanley C. Rosenberg and John E. McDonough for legislation relative to confidentiality of voter registration,— and recommending that the same be referred to the committee on Election Laws.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 1846) of Robert A. Bernstein, Raymond V. Mariano, mayor, Thomas R. Hoover, city manager, and Matthew J. Amorello (with the approval of the city council) for legislation relative to the acquisition of blighted buildings by the city of Worcester, 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. 1849) of Jay Myerow for legislation to require certain bank rates to provide refinancing loans at rates of interest determined by gross income of applicants. To the committee on Banks and Banking.

Petition (accompanied by bill, Senate, No. 1850) of W. Paul White for legislation to amend the Massachusetts Antitrust Act. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 1851) of Frederick E. Berry, Robert E. Travaglini, Therese Murray, David P. Magnani, Robert A. Havern and other members of the Senate for legislation relative to renewal licenses of real estate brokers and salesmen. To the committee on Government Regulations.

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 Pamela P. Resor and Robert A. Durand relative to the retirement of John E. MacLeod, the manager of the water supply district of the town of Acton. Under suspension of Rule 42, on motion of Ms. Resor of Acton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.
By Mr. Glodis of Worcester, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill authorizing the town of Provincetown to hold a recall election to coincide with the May second, nineteen hundred and ninety-five annual town election in the town of Provincetown (printed in House, No. 4776), which was read.

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

By Mr. Bosley of North Adams, for the committee on Commerce and Labor, on Senate, Nos. 28, 39, 59, 75, 80 and 99 and House, Nos. 684, 876, 1059, 1077, 1479, 1660, 1966, 2325, 2517, 2704, 3862, 4049, 4055, 4071, 4248, 4423 and 4426, an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning consumer protection, employee protection and other related matters (House, No. 4837).

By Mr. Petrolati of Ludlow, for the committee on Local Affairs, on House, Nos. 3178, 3179, 3180, 3181, 3381 and 3772, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of certain House documents concerning the subdivision control law and other related matters (House, No. 4838).

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

By Ms. Buell of Greenfield, for the committee on Health Care, on a petition, a Bill relative to the treatment of infertility (House, No. 1833, changed by striking out sections 5 and 6 and inserting in place thereof the following section:

"SECTION 5. Chapter 112 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding after section 11 the following new section:

Section 11A. The board shall by regulation establish qualifications, standards and criteria no less stringent than the most current standards of the American College of Obstetrics and Gynecology and the American Society for Reproductive Medicine, and consistent with the Fertility Success Rate and Certification Act of 1992 (Public Law #103-493), which shall apply to all physicians who perform assisted reproductive technologies in the treatment of fertility.").

By Mrs. Gray of Framingham, for the committee on Natural Resources and Agriculture, on a petition, a Bill further clarifying liability for the improper handling or disposal of hazardous material (House, No. 2399).

By the same member, for the same committee, on a petition, a Bill relative to the collection, transportation, storage, treatment, and disposal of infectious waste (House, No. 3384).
By the same member, for the same committee, on a petition, a Bill relating to infectious waste (House, No. 3392).

By Mr. Bellotti of Quincy, for the same committee, on a petition, a Bill amending the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (House, No. 1162).

By Mr. DiPaola of Malden, for the committee on Public Service, on a petition, a Bill relative to the compensation to be paid members of the Executive Council (House, No. 4380).

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

Orders of the Day.

There being no objection,—

House bills Providing for presidential preference balloting in the city of Boston (House, No. 4660) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in the town of North Reading (House, No. 4804) (its title having been changed by the committee on Bills in the Third Reading);

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

The House Bill relative to bond authorizations to meet certain capital emergencies of the Commonwealth (House, No. 4817) was read a second time; and it was ordered to a third reading.

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

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

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-six for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5000) 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.

Pending the question on passing the bill to be engrossed, Representatives Teague of Yarmouth, Lewis of Bridgewater, Peters of Charlton and Coon of Andover moved, there being no objection, that it be amended by inserting after section 1 the following section:
"SECTION 1A. When the General Appropriation Bill for fiscal year nineteen hundred and ninety-six is being considered by the House of Representatives any amendment which increases the total appropriation shall not be in order unless said amendment includes a provision which reduces other appropriation(s) by an equal or greater amount, or provides for a source of revenue equal to or greater than the amount of said increase; provided, however, the amount of such revenue source shall be determined by the committee on Ways and Means."

Pending the question on adoption of the amendment, Mr. Peters of Charlton asked for a count of the House to ascertain if a quorum was in attendance. Subsequently the Speaker announced that a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Teague; and on the roll call 33 members voted in the affirmative and 115 in the negative.

[See Yea and Nay No. 55 in Supplement.]

Therefore the amendment was rejected.

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

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

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

Mr. Hodgkins of Lee being in the Chair,— Mr. Flaherty of Cambridge moved that the bill be amended in section 2 by striking out, in item 1599-0002, the figures "25,000" and inserting in place thereof the figures "75,000"; and by inserting after section 13 the following section:

"SECTION 13A. Chapter 8 of the General Laws, as most recently amended by section 8 of chapter 495 of the acts of 1993, is hereby further amended by striking out section 20, as inserted by such section, and inserting in place thereof the following new section:—

Section 20. In recognition of the place of the old provincial state house in Boston in the history and governance of the commonwealth and of the nation, it is hereby declared to be the intention of the general court to assist in maintaining and preserving it as an historic and patriotic memorial and in providing appropriate educational programs interpreting its importance and relevance to the current system of government in the commonwealth and nation for the citizens thereof, through the Bostonian Society, a charitable, non-profit corporation which was organized under the laws of the commonwealth in the year eighteen hundred and eighty-one, for the purposes of promoting the study of the history of Boston and preserving its antiquities and which, for over one hundred years, has been responsible for maintaining the old state house as a museum and place of study.
For the purpose of maintaining the old provincial state house in Boston as an historic and patriotic memorial and of providing such appropriate educational programs interpreting its importance and relevance, there shall be allowed and paid out of the treasury of the commonwealth to the Bostonian Society, a charitable corporation organized under the laws of the commonwealth, the sum of seventy-five thousand dollars annually. The said society shall expend such funds in the furtherance of the above purposes and shall report annually to the governor and the general court as to the specific purposes for which they were expended. The governor, the lieutenant-governor and members of the senate and house of representatives, for the time being, shall, upon presentation of the proper credentials, have free access to the old state house museum at all times, under the same regulations as may be provided by the by-laws of the society for the members thereof."

The amendments were adopted.

The Speaker having returned to the Chair,— Messrs. Naughton of Clinton and Pedone of Worcester moved that the bill be amended in section 2 by adding at the end of item 7100-0220 the words "provided, that the drugs of abuse laboratory shall be maintained at service levels equal to or better than the prior fiscal year"; and the amendment was adopted.

There being no objection, — Mr. Jones of North Reading and other members of the House moved that the bill be amended in section 94 by striking out, in lines 3 and 4, the words "June first, nineteen hundred and ninety-four" and inserting in place thereof the words "July first, nineteen hundred and ninety-three"; and in section 95 by striking out, in line 3, the words "June first, nineteen hundred and ninety-four" and inserting in place thereof the words "July first, nineteen hundred and ninety-three".

The amendments were adopted.

There being no objection,— Mr. Toomey of Cambridge and other members of the House moved that the bill be amended by striking out section 59; and the amendment was adopted.

Mr. Toomey of Cambridge then moved that the bill be amended in section 2 by adding at the end of item 6005-0017 the words "; and provided further that not less than two hundred thousand dollars of the funds contained herein be used for the resurfacing of the dual municipality street triangle of Webster, Prospect and Columbia Streets in the cities of Cambridge and Somerville".

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by adding at the end of item 1108-1000 the words "; and provided further, that upon certification of any open competitive list for a public safety position in a city or town, the Personnel Administrator shall cause to be published in a newspaper of general circulation in a city or town, public notice the such eligible list has been certified along with the notice of the last date to respond to the notice of circulation".

The amendment was adopted.
Mrs. Sprague of Walpole then moved that the bill be amended in section 2 by striking out, in item 8900-0003, the figures "997,000" and inserting in place thereof the figures "1,444,775".

After debate the amendment was rejected.

Mr. Jones of North Reading then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 133. Notwithstanding the provisions of any general law, special law, regulation, or rule to the contrary, the town of Reading shall be allowed to retain the use of two portable classrooms at the Joshua Eaton Elementary School for any direct or indirect use as deemed appropriate by the school committee in the town of Reading."

The amendment was adopted.

There being no objection, Representatives Finneran of Boston and Owens-Hicks of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 134. Clause (8) of section 301 of chapter 60 of the acts of 1994 is hereby amended by inserting after the words ‘fifteenth Suffolk district’, in line 8, the words:— the mayor of the city of Boston, the city councillor for district 4.”

The amendment was adopted.

There being no objection, the same members moved that the bill be amended by adding at the end thereof the following section:

"SECTION 135. Clause (8) of section 301 of chapter 60 of the acts of 1994 is hereby amended by striking out the paragraph contained in lines 16, 17 and 18 and inserting in place thereof the following paragraph:

All members of the committee shall be advised that private financial interests and personal relationships should not conflict with their public obligations. Each member shall certify in writing to the state ethics commission that they, their immediate family members, their business partners, or any business organization in which they serve as an officer or employee shall have no financial interest related to the redevelopment of the Boston State Hospital site. Such written certification shall be signed under the pains and penalties of perjury.”

The amendment was adopted.

There being no objection, Messrs. DeFilippi of West Springfield and Peters of Charlton moved that the bill be amended by adding at the end thereof the following section:

"SECTION 136. Notwithstanding the provisions of subsection (e) of section 5 of Chapter 161A of the General Laws, as appearing in the 1992 Official Edition, or any general or special law or regulation to the contrary, the Massachusetts Bay Transportation Authority is authorized and directed to increase the fares for its light rail, rapid transit, and local bus services, to a fee of not less than one dollar, provided, that any increase in revenue resulting from said fare increases shall be used to reduce the amount of additional assistances paid to the authority from the commonwealth, as provided for in line item 6005-0011.”

After debate on the question on adoption of the amendment (Mr. Serra of Boston being in the Chair), Mrs. Evans of Wayland
moved that the amendment be amended by inserting after the figures 6005-0011, at the end thereof, the words "; provided that, notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority may implement a fare increase prior to the completion of an environmental impact report or an environmental impact statement, provided however, that such reports or statements as may normally be required shall be completed within one year after the implementation of said fare increase". After debate the further amendment was rejected.

On the question on adoption of the amendment, offered by Messrs. DeFilippi and Peters, the sense of the House was taken by yeas and nays, at the request of Mr. DeFilippi; and on the roll call 35 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 56 in Supplement.]

Therefore the amendment was rejected.

Mr. Giglio of Medford then moved that the bill be amended by inserting after section 91 the following section:

"SECTION 91A. Section 2 of chapter 523 of the acts of 1990, is hereby amended by striking out, in line 2, the word 'five' and inserting in place thereof the following word:— twenty-five.".

The amendment was adopted.

Mr. Jones of North Reading then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 136. Chapter 40 of the Acts of 1993 is hereby amended by striking out sections 2 and 4.".

The amendment was adopted.

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

"SECTION 137. Notwithstanding any general or special law or regulation to the contrary, no person shall be appointed a police officer in any city or town, who is not a United States citizen on the date of appointment, unless authorized by local ordinance or by-law.".

The amendment was adopted.

There being no objection, — Mr. Hynes of Marshfield and other members of the House moved that the bill be amended by striking out section 3 and inserting in place thereof the following section:

"SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, except for section twelve B of chapter seventy-six of the General Laws, for the fiscal year ending June thirtieth, nineteen hundred and ninety-six, the lottery distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of section thirty-five of chapter ten of the General Laws, shall be four hundred and thirty-six million, six hundred thousand dollars and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided further, that notwithstanding the provisions of chapter seventy of the General Laws, as amended, the amount by which each municipality's lottery distribution appropriation set forth
herein exceeds the amount so appropriated in fiscal year nineteen hundred and ninety-three shall in no way increase a municipality's obligations regarding education financing and shall be eligible for unrestricted use by the municipalities.

For the fiscal years between nineteen hundred and ninety-six and two thousand and one, the lottery distribution to cities and towns of the balance of the State Lottery Fund shall be the sum of the amount distributed in the prior fiscal year, any increase in State Lottery Fund proceeds for that year, and one-fifth of the difference between the amount distributed to cities and towns in fiscal year nineteen hundred and ninety-five and actual State Lottery Fund proceeds for that fiscal year; provided further, that for fiscal years including and following fiscal year two thousand and one, the lottery distribution to cities and towns of the balance of the State Lottery Fund shall be the sum of the amount distributed in the prior fiscal year and any increase in State Lottery Fund proceeds for that fiscal year; provided further, that the provisions of this paragraph shall not prohibit any corresponding reduction in appropriation for other local aid expenses which would otherwise have been funded with said State Lottery Fund proceeds.

Notwithstanding the provisions of any general or special law to the contrary, except for section twelve B of chapter seventy-six of the General Laws, the total amounts to be distributed and paid to each city and town from items 0611-5500 of section two of this act shall be set forth in the following list; provided further, that the amounts to be distributed from item 0611-5500 of said section two are hereby deemed to be in full satisfaction of the amounts due under section thirty-seven of chapter twenty-one of the General Laws.

Notwithstanding the provisions of any general or special law to the contrary, except for section twelve B of chapter seventy-six of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district and county maintaining an agricultural school from item 7061-0008 of section two of this act shall be calculated by the commissioner of education based on the appropriation provided in said item 7061-0008, applicable general and special law and the provisions of this section; provided that, the amounts to be distributed from item 7061-0008 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections three, six and seven of chapter seventy of the General Laws.

No payments to cities, town and counties maintaining an agricultural school pursuant to this section shall be paid after November thirtieth of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section forty-three of the General Laws. In the case of regional school districts, distributions pursuant to this section shall not be paid by the state treasurer after November thirtieth of the fiscal year until he received certification from said commissioner of the acceptance of the prior year's annual financial reports as prescribed by the director of accounts. The unencumbered amount in the excess and deficiency fund established
pursuant to section sixteen B and one-half of chapter seventy-one of the General Laws shall constitute the amount certified to the regional school committee and the commissioner by the director of accounts as available on July first of the current fiscal year. Said director shall promulgate and from time to time revise rules and regulations for determining the available funds of a regional school district. No payments to cities, towns or regional school districts pursuant to item 7061-0008 of section two shall be paid after November thirtieth of the fiscal year by the state treasurer until he receives certification from the commissioner of education of said commissioner's acceptance of the end of year pupil and financial report submitted pursuant to the provisions of section three of chapter seventy-two of the General Laws.”.

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After debate (Mrs. Menard of Somerset being in the Chair), Messrs. Sullivan of Abington and Guerriero of Melrose moved, there being no objection, that the amendment be amended by inserting after the fifth paragraph [at "A"] the following paragraph:

"Notwithstanding the provisions of any general or special law to the contrary, the lottery proceeds distributed to cities and towns shall be increased by an additional six million ($6,000,000.00) dollars so that the total amount distributed in Fiscal Year nineteen hundred and ninety-six should be no less than $442,600,000 and provided further that the Department of Revenue shall be required to recalculate the distribution to reflect the additional six million dollars."

After remarks on the question on adoption of the further amendment, Mr. Ruane of Salem asked for a count of the House to ascertain if a quorum was present. The Chair, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 141 members were recorded as being in attendance.

[See Yea and Nay No. 57 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Sullivan of Abington; and on the roll call 59 members voted in the affirmative and 97 in the negative.

[See Yea and Nay No. 58 in Supplement.]

Therefore the further amendment was rejected.

After debate on the question on adoption of the amendment offered by Mr. Hynes of Marshfield, et als, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes; and on the roll call 58 members voted in the affirmative and 94 in the negative.

[See Yea and Nay No. 59 in Supplement.]

Therefore the amendment was rejected.

There being no objection, — Representatives Chesky of Holyoke and DeFilippi of West Springfield moved that the bill be amended in section 2 by adding at the end of item 9000-1900 the words "; provided further, that not less than twenty thousand dollars be set aside for a feasibility study for design and improvement of The Volleyball Hall of Fame, located in Holyoke, provided further that no expenditure of any sort shall be made from said set aside unless and until private matching funds are obtained from the Volleyball Hall of Fame Inc. in the city of Holyoke".

The amendment was adopted.

There being no objection, — Representatives Gomes of Harwich, Hargraves of Groton, Cleven of Chelmsford and Jehlen of Somerville moved that the bill be amended in section 2 by inserting after item 7030-1500 the following item:

"7030-1700 For grants to fund the operation of charter schools established under the provisions of section eighty-nine of chapter seventy-one of the General Laws .................................................. $17,000,000;"
and by striking out section 60 and inserting in place thereof the following section:

“SECTION 60. Charter schools shall be funded by the commonwealth. The secretary of education shall promulgate rules and regulations to administer such funding.”

After remarks the amendments were rejected.

Mr. Serra of Boston being in the Chair, — Mr. Lane of Holden then moved that the bill be amended in section 2 by adding at the end of item 2420-1400 the following: “; provided, further, that an amount of money not to exceed $1.5 million remains in the account, this money to be applied to reimbursement to the Upper Blackstone Water Pollution Abatement District on behalf of the towns of Holden and Rutland”.

After debate the amendment was rejected.

Ms. Donovan of Woburn then moved that the bill be amended in section 2, in item 3400-0202, by inserting after the word “Medford,” in line 3, the word “Woburn”.

The amendment was adopted.

Ms. Gardner of Holliston then moved that the bill be amended by striking out sections 119 and 120.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Coon of Andover; and on the roll call 141 members voted in the affirmative and 14 in the negative.

[See Yea and Nay No. 60 in supplement.]

Therefore the amendment was adopted.

Mrs. Gomes of Harwich then moved that the bill be amended in section 2 by striking out item 2520-0300 and inserting in place thereof the following item:

“2520-0300 For the Cape Cod Mosquito Control program provided, that not less than fifteen thousand dollars shall be expended for the purposes of studying an environmentally feasible means of controlling and eradicating deer flies on Cape Cod 933,511 Mosquito and Greenhead Fly Control Fund 100.0%”.

The amendment was rejected.

There being no objection, — Representatives Guerriero of Melrose and Evans of Wayland moved that the bill be amended by adding at the end thereof the following section:

“SECTION 138. That a special commission to consist of two members of the senate, at least one of whom shall be a member of the minority party to be appointed by the minority leader, four members of the house of representatives, at least two of whom shall be members of the minority party to be appointed by the minority leader, and five members to be appointed by the governor, one of whom shall be a member of the executive branch, one of whom shall be a representative of the Associated Industries of Massachusetts to be designated by the Associated Industries of Massachusetts, one of whom shall be a representative of the Massachusetts Municipal Association to be designated by said asso-
A commission, one of whom shall be a representative of the Massachusetts Taxpayers Foundation to be designated by said foundation and one of whom shall be a union representative, is hereby established for the purpose of making an investigation and study of the impact of the federal balanced budget amendment and unfunded federal mandates on the commonwealth. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in April, nineteen hundred and ninety-six.

The amendment was adopted.

Mrs. Gray of Framingham then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 139. The commissioner of the department of transitional assistance, the commissioner of the department of environmental management, the commissioner of the department of corrections, and the commissioner of the department of employment and training are hereby authorized and directed to collaborate on the development of a training and employment program for recipients of the Massachusetts employment support program and an intermediate sanctions work release program for minimum security non-violent offenders. The department of corrections is hereby authorized and directed to provide for administration and supervisory costs related to the work release program."

The amendment was adopted.

There being no objection, — Representatives Gray of Framingham, Stoddart of Natick, Gardner of Holliston, Poirier of North Attleborough and Harkins of Needham moved that the bill be amended in section 2 by adding at the end of item 4406-3000 the words "; and provided further, that one hundred and fifty thousand dollars shall be obligated for a contract with Shelter, Hope, and Dignity of Women Searching, Inc., doing business as Shadows, Inc., of Natick, for the provision of shelter services to homeless women."

The amendment was adopted.

Mrs. Gray then moved that the bill be amended by inserting after section 24 the following five sections:

"SECTION 24A. Section 1 of chapter 21J of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking the definition of ‘department,’ and inserting in place thereof the following:— ‘Department,’ the executive office of environmental affairs.

SECTION 24B. Section 4 of said chapter 21J, as most recently amended by section 323 of chapter 133 of the acts of 1992, is hereby amended by striking in the second sentence the words ‘state fire marshal’ and inserting in place thereof the following:— secretary of the executive office of environmental affairs.

SECTION 24C. Section 6 of said chapter 21J, as most recently amended by section 324 of said chapter 133, is hereby amended by striking in the second sentence the words ‘state fire marshal’ and
inserting in place thereof the following:— secretary of the executive office of environmental affairs.

SECTION 24D. Section 8 of said chapter 21J, as most recently amended by section 325 of said chapter 133, is hereby amended by striking the words ‘state fire marshal’ and inserting in place thereof the following:— secretary of the executive office of environmental affairs.

SECTION 24E. Section 10 of said chapter 21J, as most recently amended by section 325 of said chapter 133, is hereby amended by striking the words ‘state fire marshal’ and inserting in place thereof the following:— secretary of the executive office of environmental affairs.”.

The amendment was rejected.

There being no objection,— Representatives Toomey of Cambridge, Kennedy of Brockton and Canavan of Brockton moved that the bill be amended in section 2, in item 7061-9618, by striking out, in lines 4 and 5, the words “and provided further, the said vouchers shall not be used at a day care facility located within a recipients school”; and the amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 3 by striking out, in line 47, the words “six dollars, and an additional distribution of forty-five million hundred thousand dollars and inserting in place thereof the words “six hundred thousand dollars, and an additional distribution of forty-five million dollars”; by striking out, in line 53, the word “and”, the second time it appears; and by inserting after the word “section”, in line 56, the words “and provided further, that notwithstanding the provisions of any general or special law to the contrary, the availability of said thirty-nine million dollars in said fiscal year shall not cause municipal revenue growth factors to be adjusted or increased for the purposes of establishing required minimum local contributions for said fiscal year. Notwithstanding any general or special law to the contrary, no city, town or regional school district that exceeds its net minimum contribution pursuant to section thirty-two of chapter seventy-one of the acts of nineteen hundred and ninety-three in fiscal year nineteen hundred and ninety-six shall be required to maintain said contribution in excess of its minimum requirement for any subsequent fiscal year”.

The amendments were adopted.

Mr. Finneran then moved that the bill be amended in section 2, in item 1108-3000, by striking out, in lines 9 to 15, inclusive, the words “; and provided further, that fifty thousand dollars shall be expended for the payment of fees to arbitrators selected by the commonwealth to hear and decide final and binding arbitration of grievances pursuant to the provisions of chapter one hundred and fifty E of the General Laws and the various collective bargaining agreements in effect between the commonwealth and the exclusive bargaining agents representing state employees”.

The amendment was adopted.
There being no objection, — Mr. Finneran of Boston and other members of the House moved that the bill be amended in section 97 by striking out, in lines 19, 20 and 21, the words “; provided, that eligible indebtedness shall not include any indebtedness for which the issuer has or will receive assistance provided from other revenue sources including, but not limited to, federal grants”. The amendment was adopted.

There being no objection, — Representatives Finneran of Boston and Murray of Cohasset moved that the bill be amended in section 2, in item 4590-0300, by inserting after the word “health”, in line 10, the words “; provided further, that not less than fourteen thousand dollars of said five million dollars shall be expended for the ‘Here’s Looking at You 2,000’ and ‘Pals for Wellness’ drug education programs, so-called, in the town of Cohasset”. The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2 by striking out, in item 1410-0400, the figures “11,406,783” and inserting in place thereof the figures “10,400,000”.

The amendment was adopted.

The same member then moved that the bill be amended in section 61 by striking out, in line 7, the word “ninety-one” and inserting in place thereof the word “ninety-five”; and the amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 4110-4000, by inserting after the word “employees”, in line 3, the words “; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund”; and in section 2B by striking out item 4110-4036.

The amendments were adopted.

The same member then moved that the bill be amended in section 2B by striking out the item number “8700-1140” and inserting in place thereof item number “8700-1145”; and in said item by striking the figures “75,000” and inserting in place thereof the figures “25,000”; and the amendments were adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 4590-0300, by striking out, in line 10, the words “seventeen million dollars” and inserting in place thereof the words “sixteen million dollars”. The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 0699-9100, by striking out, in line 1, the word “of”, the second time it appears, and inserting in place thereof the words “on bonds and”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out, in item 1108-5200, the figures “438,871,049” and inserting in place thereof the figures “438,817,049”.

The amendment was adopted.
Mr. Finneran then moved that the bill be amended in section 2, in item 4800-0015, by inserting after the word "recommendations;", in line 12, the following: "provided further, that if the commissioner of the department determines that funds made available pursuant to items 4800-0016, 4800-0017, 4800-0020, 4800-0030 and 4800-0041 are insufficient to fund the services for which said items may be expended, the commissioner may allocate up to fifteen percent of the funds appropriated in each of said items among said items providing thirty days prior written notice to the house and senate committees on ways and means; provided further, that the total amount expended for family stabilization and family reunification services shall not exceed thirty million eight hundred sixty-five thousand five hundred fifty-three dollars;".

The amendment was adopted.

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

"SECTION 140. Section 39 of chapter 15A of the General Laws, added by section 23 of chapter 71 of the acts of 1993, is hereby amended by adding the following sentence:— For the purpose of encouraging the enrollment of nonpublic secondary school students in the system of public institutions of higher education, such students shall be eligible to participate in the program established by this section; provided, however, that the crediting of such attendance for the purpose of receiving a high school diploma shall be in the sole discretion of the nonpublic school."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 50 members voted in the affirmative and 106 in the negative.

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

Therefore the amendment was rejected.

Mr. Travis of Rehoboth then moved that the bill be amended in section 2 by striking out the preamble before item 2520-0300 and inserting in place thereof the following paragraph:

"For the expenses of the following mosquito control projects; the mosquito control districts shall be funded through 50% state appropriation and 50% local assessment; provided, that persons employed in these projects shall be exempt from the provisions of section twenty-nine A of chapter twenty-nine of the General Laws:"

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 16 members voted in the affirmative and 139 in the negative.

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

Therefore the amendment was rejected.
Subsequently Ms. Fox of Boston asked unanimous consent to make a statement; and, there being no objection, she addressed the House as follows:

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

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

There being no objection,—Messrs. Lane of Holden, Naughton of Clinton and McManus of Worcester moved that the bill be amended in section 2 by adding at the end of item 2420-1400 the words "; provided further, that no less than four hundred thousand dollars shall be expended for the completion of the design of sewer system elements required to abate water pollution and public health threats within the Wachusett reservoir watershed in the Pinecroft-Drury Hill areas of the towns of Holden and West Boylston and the Shrewsbury Street industrial park area in the town of West Boylston in accordance with the recommendations of a wastewater facilities plan developed for the metropolitan district commission and the towns of Holden and West Boylston, and for reimbursement to the town of West Boylston for costs incurred in designing the sewer system to the Shrewsbury Street industrial park area, prior appropriation continued".

The amendment was adopted.

Mr. Hynes of Marshfield then moved that the bill be amended in section 2 by adding at the end of item 4110-1000 the words "; provided that two hundred eighty-one thousand one hundred and sixty-eight dollars be expended for the 'Talking Information Center - MA Radio Reading Network' "; and by striking out, in said item, the figures "2,384,309" and inserting in place thereof the figures "2,434,369".

After debate (Mr. Voke of Chelsea being in the Chair) the amendments were rejected.

There being no objection,—Representatives Hynes of Marshfield and Evans of Wayland moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 140. The first paragraph of section 7 of chapter 60 of the acts of 1994 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:—Such commission shall be composed of three members of the house of representatives, three members of the senate, the secretary of the executive office of transportation and construction, the general manager of the Massachusetts Bay Transportation Authority, four members of the advisory board of the Massachusetts Bay Transportation Authority, two of whom shall represent so-called fringe communities, two members of the Massachusetts municipal association, one of whom shall represent a community outside the Massachusetts Bay Transportation Authority district but which receives services and three members of the Massachusetts association of regional transit authorities."
SECTION 141. Said section 7 of said chapter 60 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:

Said commission shall report to the general court the results of its investigation and study, together with its recommendations and drafts of legislation, if necessary, to carry said recommendations into effect, by filing the same with the clerk of the house of representative on or before the last Wednesday of January, nineteen hundred and ninety-six.”

The amendment was adopted.

After debate, Mrs. Menard of Somerset being in the Chair, — Ms. Kaprielian of Watertown and other members of the House moved, there being no objection, that the bill be amended by inserting after section 77 the following section:

“SECTION 77A. Section 5 of chapter 161A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after subsection (FVi) the following subsection:—

(F¾). In the event the authority seeks to contract for services presently performed by authority employees, it shall conduct a public hearing in each of the affected areas. Said hearings shall be held within thirty days of the authority’s requests for proposals and prior to the awarding of a contract for said services. The authority shall provide written notice of the hearing ten days prior thereto to elected officials from affected areas and the advisory board members from said area. The authority shall be represented at the meeting by the chief executive officer or his designee and a representative of the authority who is familiar with the proposed contract. The public hearing shall be conducted in the evening hours in a location in the area to be affected by said proposed contract. The authority shall present reasons for the proposed contract. Persons in attendance at the public hearing shall have a reasonable opportunity to ask questions and present reasons why such proposed contract shall not be executed. Within thirty days of said meeting and prior to the execution of any contract, the authority shall give written notice of its decision and the reasons therefor to persons who received written notice of the hearing.

The authority shall continue to conduct public hearings pursuant to the aforementioned guidelines each year the contract is in effect.”

After remarks the amendment was adopted.

There being no objection, — Representatives Kulik of Worthington, Story of Amherst, Klimm of Barnstable and Nagle of Northampton moved that the bill be amended in section 2 by adding at the end of item 4590-0300 the words “; and provided further, that not less than one million three hundred and thirty thousand dollars shall be expended from this item for Tobacco Control Coalitions”.

The amendment was adopted.

There being no objection, — Messrs. Kulik, Wagner of Chicopee and Brewer of Barre moved that the bill be amended by adding at the end thereof the following section:
“SECTION 142. The commissioner of highways is hereby authorized and directed to certify the second years apportionment of the funds authorized in item 6010-3950 of section two A of chapter eighty-five of the acts of nineteen hundred and ninety-four to each city and town no later than July fifteenth, nineteen hundred and ninety-five and ninety-five and to issue memoranda of agreement to each city and town no later than August fifteenth, nineteen hundred and ninety-five.”

The Speaker being in the Chair, — the amendment was adopted.

At eighteen minutes before six o’clock P.M., on motion of Mr. Giglio of Medford (the Speaker being in the Chair), the House recessed until the hour of seven o’clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

Mr. Demakis of Boston then moved that the bill be amended in section 2 by adding at the end of item 1104-1000 the words “; provided further that notwithstanding the provisions of any general or special law or regulation to the contrary, the annual tuition price set in fiscal year nineteen hundred and ninety-six to the Carol School in the town of Lincoln shall be eighteen thousand dollars”.

The amendment was adopted.

There being no objection, — Messrs. Honan of Boston and Tolman of Boston moved that the bill be amended in section 2, in item 4408-1000, by inserting after the word “assistance,”, in line 4, the words “provided further, that said program shall include services provided in public detoxification and outpatient centers;”.

The amendment was adopted.

There being no objection, — Representatives Hyland of Foxborough, Jehlen of Somerville and Khan of Newton moved that the bill be amended in section 2 by striking out item 4570-1500 and inserting in place thereof the following item:

“For an early breast cancer detection program, mammographies for the uninsured, breast cancer research, and a breast cancer detection public awareness program; provided, that not less than one million dollars shall be expended on a breast cancer research grant program to support innovative research by investigators who are in the formative stages of their careers; provided further, that the department shall name one of the grants in the breast cancer research grant program the ‘Suzanne Sheats Breast Cancer Research Fellowship;’ provided further, that research grants shall be awarded to investigators, post-doctoral fellows and assistant professors who are within ten years after completion of their highest degree or within ten years after completion of clinical training; provided further, that members of any selection review committee for the breast cancer research grant program shall be subject to chapter two hundred sixty-eight A and shall be prohibited from participating in the review or recommendation of an application filed by an organization with

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The amendment was adopted.

Mrs. Sprague of Walpole then moved that the bill be amended in section 2, in item 8900-0003, by inserting after the word, "town", in line 5, the words "; provided, however that the towns of Walpole and Norfolk shall receive no less than one hundred dollars per inmate incarcerated in MCI Cedar Junction, in said town of Walpole, MCI Norfolk, Baystate in said town of Norfolk and Pondville in said town of Norfolk".

The amendment was rejected.

There being no objection,— Mrs. Menard of Somerset and other members of the House moved that the bill be amended in section 2 by adding at the end of item 7100-0200 the words "; provided further, that not less than one hundred seventy-nine thousand six hundred and thirty-five dollars be expended for the Center for Women in Politics and Public Policy at the John W. McCormack Institute of Public Affairs".

The amendment was adopted.

Ms. Jehlen of Somerville then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 143. Notwithstanding any general or special law to the contrary, no agency, division, bureau, or office of the commonwealth shall employ any individual for the primary purpose of press or media relations. The House and Senate Committees on Ways and Means shall, no later than September 1, 1995, determine the number of positions and amount of funding allocated for said functions in fiscal year 1994 and shall report this information to the comptroller, who shall, no later than November 1, 1995, transfer said amount from the general fund to line item 9110-1630."

The amendment was adopted.

Mr. Gauch of Shrewsbury then moved that the bill be amended by inserting after section 90 the following two sections:

"SECTION 90A. Section 5A of chapter 271 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 4, the word 'hundred' and inserting in place thereof the following: — thousand; provided, however, that fifty percent of the collective fine shall be remitted to the city or town in which the violation took place. The other fifty percent shall be remitted to the general fund of the commonwealth.

SECTION 90B. Section 10 of said chapter 271, as so appearing, is hereby amended by inserting, in line 2, after the word 'five,' and before the word "seven," the following: — five A.,".

The amendment was adopted.
Mr. Miceli of Wilmington then moved that the bill be amended in section 2 by adding at the end of item 4540-0900 the words “; provided further, that no action to reduce the client population of the Tewksbury State Hospital shall be undertaken, and no steps shall be taken to close said institution through attrition, layoffs, service relocation, or any other means until a study of any such reduction, service relocation or closing shall be completed, and the general court shall have approved by law any such reduction, service relocation or closing; and provided further, that the secretary for administration and finance shall conduct a study, which shall examine the costs, benefits and quality of maintaining said institution and shall identify alternative methods of providing the services currently provided by said institution, and said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December first of nineteen hundred ninety-five”.

After debate (Mrs. Menard of Somerset being in the Chair) the amendment was rejected, by a vote of 21 to 21.

There being no objection, — Representatives Haley of Weymouth, Tobin of Quincy and Murray of Cohasset moved that the bill be amended in section 2 by striking out, in item 8910-0000, the figures “13,456,031” and inserting in place thereof the figures “15,294,031”; and the amendment was rejected.

Mrs. Walrath of Stow then moved that the bill be amended by inserting after section 35 the following section:

“SECTION 35A. Section 72 of chapter 44 of the General Laws, as added by section 17 of chapter 50 of the acts of 1993, is hereby amended by inserting after the first sentence the following sentence:—
The parent or guardian of any child who receives any such service for which the city, town or regional school district is responsible and which would otherwise be reimbursable under said program for medical care and assistance shall, upon request, give to the city, town or regional school district the Medicaid number, so-called, under which such child is covered.”.

The amendment was adopted.

Mrs. Walrath then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 144. Chapter 127, Section 32(a) of the Massachusetts General Laws is hereby amended by striking out the section as appearing in the 1990 Official Edition, and inserting in place thereof the following paragraph:

Subject to appropriation, male and female prisoners and pretrial detainees of state and county correctional institutions shall have equal access to all prison programs, including education, training, employment opportunities to earn good time, counseling, substance abuse treatment, classification, pre-release, work release, exercise and recreation, visitation, medical care and discipline in the particular facility where the prisoner and pre-trial detainee is incarcerated. No prisoner or pretrial detainee shall be denied equal access to any prison program, or privilege on account of gender, subject to appropriation.”.

The amendment was adopted.
There being no objection,— Representatives Khan of Newton and Harkins of Needham moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 145. Notwithstanding the provisions of any general or special law to the contrary, the Metropolitan District Commission is authorized and directed to prepare detailed plans and file an application to the Executive Office of Transportation and Construction for transportation enhancement funds made available to the Commonwealth under the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) for the conversion of the Stone Barn adjacent to Route 9 in the Hemlock Gorge Reservation to a visitor’s center/office/storage space for the Reservation in accordance with the concept plans prepared for the Friends of Hemlock Gorge with funding from the National Trust For Historic Preservation.

SECTION 146. Notwithstanding any general or special law the contrary, the Metropolitan District Commission is authorized to take the necessary steps to acquire vacant parcels adjacent to the Hemlock Gorge Reservation to prevent further encroachment of incompatible uses on the Reservation, subject to review by the Inspector General, and report to the General Court; and provided further that such acquisition shall be subject to appropriation."

The amendment was adopted.

Mr. Herren of Fall River then moved that the bill be amended in section 2 by inserting after item 3743-2033 the following item:

"3743-2034 For the purpose of providing periodic forward funding for a low-income energy assistance program, including, but not limited to the purchase of bulk oil; provided, that no funds shall be expended prior to the official notification from the federal government that sufficient funds have been awarded and that such advance will be reimbursed by the federal government upon the availability of federal funds under the low-income home energy assistance act of nineteen hundred eighty-one. Title XXVI of the omnibus budget reconciliation act of nineteen hundred eighty-one (Public Law 97-35) or any other amendments or successor acts thereto 13.000,000"

The amendment was rejected.

Mr. Brett of Boston then moved that the bill be amended in section 2, in item 4600-1210, by striking out, in line 10, the word "may" and inserting in place thereof the words "shall".

The amendment was adopted.

The same member then moved that the bill be amended in section 2, in item 9110-1660, by inserting after the word "elderly", in line 1, the words "provided, that not less than fifty thousand dollars shall be expended for congregate housing services at the Tuttle House facility in Dorchester”. The amendment was adopted.
Mr. Brett then moved that the bill be amended in section 2 by adding at the end of item 4800-0017 the words “provided, further, that not less than two hundred ninety-eight thousand dollars shall be expended for alternative schools for students aged fourteen to sixteen who are placed before the court on children in need of services petitions (CHINS) in region six”.

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by adding at the end of item 7100-0200 the words “provided, further, that four hundred nineteen thousand three hundred and seventy-five dollars be expended for the purpose of the William Joiner center; provided, further, that not less than five hundred seventy-four thousand one hundred and thirty dollars be expended for the expense of a gerontology institute”.

The amendment was adopted.

Mr. Brett of Boston then moved that the bill be amended in section 2 by adding at the end of item 0330-0400 the words “; provided, further, that not less than one hundred thousand dollars shall be made available for the Massachusetts General Hospital Research Program on abused children”.

The amendment was adopted.

Mr. Casey of Winchester being in the Chair, — Mrs. Menard of Somerset and other members of the House moved, there being no objection, that the bill be amended in section 2 by adding at the end of item 4000-0700 the words “; and provided further that not less than nine hundred thousand dollars shall be made available from this item to pay for the cost of outreach and follow-up services conducted by agencies certified as comprehensive family planning agencies to increase the utilization of comprehensive family planning services”.

The amendment was adopted.

Mrs. Menard then moved that the bill be amended by inserting after section 33 the following section: “SECTION 33A. Paragraph (g) of subdivision (2) of section 3 of chapter 32, as amended by chapter 139 of the acts of 1993, is hereby further amended by striking out Group 4 and inserting in place thereof the following group: —

Group 4. Division of law enforcement of the department of fisheries, wildlife and recreational vehicles; conservation officer of the city of Haverhill having duties similar to a law enforcement officer of the department of fisheries, wildlife and recreational vehicles; employees of the Massachusetts Port Authority at the General Edward Lawrence Logan International Airport, comprising permanent crash crewmen, fire control men, assistant fire control men; members of police and fire departments not classified in Group 1; any police officer of the Massachusetts Bay Transportation Authority; employees whose regular compensation is paid by the United States from funds allocated to the Massachusetts National
Guard and who are regularly and permanently employed under the control of the military department of the commonwealth and whose duties in such employment require substantially all normal working hours and whose continued employment is based upon federal recognition in the Massachusetts National Guard; employees of a municipal gas or electric generating or distribution plant who are employed as linemen, electric switchboard operators, electric maintenance men, steam engineers, boiler operators, firemen, oilers, mechanical maintenance men, and supervisors of said employees who shall include managers and assistant managers; employees of the Massachusetts Port Authority who are employed as licensed electricians, utility technicians, steam engineers, watch engineers, boiler operators, or steam firemen, and supervisors of said employees, at an electrical generating or distribution plant; employees of the department of correction who are employed at any correctional institution or prison camp under the control of said department and who hold the position of correction officer, inmate transportation officer I, female correction officer, industrial instructor, recreation officer, assistant industrial shop manager, industrial shop manager, assistant to the supervisor of industries, supervisor of industries, senior correction officer, senior female correction officer, supervising correction officer, supervising female correction officer, prison camp officer, senior prison camp officer, supervising prison camp officer, assistant deputy superintendent; employees of the parole board who hold the position of parole officer or parole supervisor; chief of security for the University of Massachusetts medical school or supervising identification agent; employees who hold the position of state hospital steward in the department of correction; the sheriff, superintendent, assistant superintendent, assistant deputy superintendent, assistant deputy superintendent and correction officers of county correctional facilities; and the chief fire warden and district fire wardens in the executive office of environmental affairs.”.

The amendment was adopted.

Mrs. Menard of Somerset being in the Chair,— Messrs. Gauch of Shrewsbury and Sullivan of Abington moved, there being no objection, that the bill be amended by adding at the end thereof the following section:

“SECTION 147. Chapter eighteen of the General Laws, as appearing in the most recent edition, is hereby amended by adding at the end thereof the following new section:

Section.

(A) Definitions.

The following words and phrases as used in this chapter, unless the context otherwise requires, shall have the following meanings: —

‘Recipient’, any person receiving any benefit, service, or other form of assistance under any program administered by the Department of Transitional Assistance (formerly Department of Public Welfare as of 1 July 1995) pursuant to chapter eighteen of the General Laws.
‘Vendor’, any person or institution providing services in connection with any assistance program administered by the Department of Transitional Assistance (formerly Department of Public Welfare as of 1 July 1995).

‘Provider’, any institution, agency, individual or other legal entity qualified under the laws of the Commonwealth to perform the medical care or services for which medical assistance is available under chapter one hundred and eighteen E of the General Laws.

(B) Remuneration for assisting in prosecution of fraud.

(a) Any individual, agency, or institution which provides information regarding a specific recipient which indicates the possibility of either a fraudulent claim for payment or services under any assistance program administered by the department of transitional assistance and the department of social services, or any program administered by said departments, or a receipt of payment or services by a recipient not entitled thereto, and such information leads to an investigation by the bureau of special investigations pursuant to section fifteen D of chapter twenty-two and ultimately to successful prosecution of the recipient, the individual, agency or institution shall receive as remuneration a sum of one thousand dollars per recipient successfully prosecuted.

(b) Any individual, agency or institution which provides information regarding any vendor who is procuring a payment under any assistance program administered by the department of transitional assistance in violation of any of the provisions of section five B of chapter eighteen or of sections twenty-one A to twenty-one G, inclusive, of chapter one hundred and eighteen E, and such information leads to an investigation by the bureau of special investigations pursuant to section fifteen D of chapter twenty-two and ultimately to successful prosecution of the vendor, the individual, agency or institution shall receive as remuneration a sum of two thousand and five hundred dollars per provider successfully prosecuted.

(c) Any individual, agency or institution which provides information regarding any provider who knowingly and willfully charges for any service provided to a patient under chapter one hundred and eighteen E, money or other consideration at a rate in excess of the rates established in accordance with chapter one hundred and eighteen E, and such information leads to an investigation by the bureau of special investigations pursuant to section fifteen D of chapter twenty-two and ultimately to successful prosecution of the provider, the individual, agency or institution shall receive as remuneration a sum of two thousand and five hundred dollars per provider successfully prosecuted.

(C) Violators responsible for payment of remuneration.

(a) Any judgment or order of court requiring a recipient to repay to the department of financial assistance any overpayments of financial assistance paid by the department to the recipient who was receiving benefits under any program of such assistance administered by the department, any overpayment obligation established by
an administrative hearing decision of the department, and any voluntary agreement to repay any such overpayment shall include all amounts of remuneration paid to any individual, agency or institution for providing information which led to the successful prosecution of the recipient.

(b) Any conviction against a vendor for procuring a payment under any assistance program administered by the department of transitional assistance in violation of any of the provisions of section five B of chapter eighteen or of sections twenty-one A to twenty-one G, inclusive, of chapter one hundred and eighteen E shall contain a judgment or order of court requiring repayment to the department of financial assistance all amounts of remuneration paid to any individual, agency or institution for providing information which led to the successful prosecution of the vendor.

(c) Any conviction against a provider for knowingly and willfully charging for any service provided to a patient under chapter one hundred and eighteen E, money or other consideration at a rate in excess of the rates established in accordance with chapter one hundred and eighteen E shall contain a judgment or order of court requiring repayment to the department of financial assistance all amounts of remuneration paid to any individual, agency or institution for providing information which led to the successful prosecution of the provider.

Nothing in this section shall be construed as preventing the institution of criminal proceedings for the violation of any other law of the commonwealth.”.

After remarks the amendment was adopted.

There being no objection,— Representatives Hynes of Marshfield, Walrath of Stow and Evans of Wayland moved that the bill be amended by adding at the end thereof the following section:

“SECTION 148. Notwithstanding any law or regulation to the contrary, any interpretation or determination necessitated in implementing Ch.71 of the Acts of 1993 in the area of educational policy shall be made by the Department of Education, provided however, that any interpretation or determination regarding financial matters shall be made exclusively by the Department of Revenue.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes; and on the roll call 43 members voted in the affirmative and 110 in the negative.

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

Therefore the amendment was rejected.

Subsequently Mr. Finneran of Boston moved that this vote be reconsidered; and the motion to reconsider prevailed. On the recurring question the amendment was adopted

Ms. Buell of Greenfield then moved that the bill be amended in section 2 by adding at the end of item 5042-5000 the words “; provided, that of the sum appropriated herein, not less than sixty-nine thousand four hundred and eight dollars be extended to the Franklin Community Action Corporation in Greenfield for its youth adolescent services program.”.

The amendment was adopted.
There being no objection, — Representatives Buell of Greenfield, Kennedy of Brockton, McIntyre of New Bedford, Koczera of New Bedford, Fitzgerald of Boston and Kafka of Sharon moved that the bill be amended in section 2, in item 9110-1634, by striking out the text contained therein and inserting in place thereof the following:

“The secretariat may expend for the purposes of item 9110-1633 an amount not to exceed three million dollars from federal revenues collected pursuant to the provisions of title XIX of the social security act for case management and personal care and related services provided to medicaid-eligible home care clients.”

The amendment was adopted.

Ms Buell of Greenfield then moved that the bill be amended in section 2 by striking out, in item 4100-0050, the figures “164,108” and inserting in place thereof the figures “308,544”; and by striking out section 12 and section 131.

The amendments were rejected.

There being no objection, — Messrs. Peters of Charlton, Brewer of Barre, Kelly of Dalton, Kulik of Worthington, Lane of Holden and Hawke of Gardner moved that the bill be amended by striking out section 58.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Kelly; and on the roll call 125 members voted in the affirmative and 27 in the negative.

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

Therefore the amendment was adopted.

There being no objection, — Ms. Gardner of Holliston and other members of the House moved that the bill be amended in section 2 (under the caption Executive Office of Education):

In item 7066-0000 by striking out the figures “3,219,546” and inserting in place thereof the figures “2,719,546”;

In item 7005-0001 by striking out the figures “1,007,138” and inserting in place thereof the figures “807,138”;

In item 7061-9605 by striking out the figures “8,075,000” and inserting in place thereof the figures “4,200,000”;

In item 7061-9606 by striking out the figures “1,650,000” and inserting in place thereof the figures “825,000”;

In item 7061-9608 by striking out the figures “3,800,000”;

In item 7061-9600 by striking out the figures “500,000”;

By striking out item 7061-9615;

In item 7010-0005 by striking out the figures “8,213,246” and inserting in place thereof the figures “7,213,246”;

In item 7061-0011 by striking out the figures “6,000,000” and inserting in place thereof the figures “5,000,000”; and

In item 7061-0008 by striking out the figures “1,772,501,870” and inserting in place thereof the figures “1,790,401,870”; and by adding at the end thereof the following section:

“SECTION 149. Notwithstanding any general law to the contrary, no city, town or regional school district shall receive less than
seventy-five dollars per student under chapter seventy of the General Laws for fiscal year nineteen hundred and ninety-six.

The amendments were adopted. Mrs. Owens-Hicks of Boston then moved that this vote be reconsidered.

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Sullivan of Abington; and on the roll call 24 members voted in the affirmative and 125 in the negative.

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

Therefore motion to reconsider was negatived.

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

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

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

Recess.

The Speaker having returned to the Chair, — at five minutes before ten o'clock P.M. (Monday, April 10), on motion of Mrs. Menard of Somerset, the House recessed until the hour of twelve o'clock noon on Tuesday, April 11; and at that time the House was called to order with the Speaker in the Chair.

Tuesday, April 11, 1995 (at 12:00 o'clock noon).

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

Lord God, Our Creator, we depend upon You for guidance and direction in our efforts to serve You and the people whom we represent. We pray for the wisdom to make reasonable and sound decisions in addressing today's complex political, social and ethical issues. Grant us the patience to give everyone a fair hearing and the courage to accept or reject their views and principles. Help us to remain faithful to our own values, ideals and religious convictions as we attempt to serve You and the people who put their trust in our good judgment.

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

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

Statement of Representative Fox of Boston.

During consideration of the Orders of the Day, Ms. Fox of Boston asked unanimous consent to make a statement; and, there being no objection, she addressed the House as follows:
MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I missed today was due entirely to the reason stated.

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

Statement of Representative McIntyre of New Bedford.

Before proceeding to 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 was unable to be present in the House Chamber for a portion of yesterday's session due to official business in my district. Any roll calls that I missed yesterday was 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.

Changes in House Standing Committee.

The Speaker announced that effective April 6, Representative Straus of Mattapoisett had been relieved of duty (at his own request) from the committee on Rules and that Representative McGee of Lynn had been appointed to the twentieth position on said committee to fill the existing vacancy.

Changes in Joint Standing Committees.

The Speaker announced that effective April 6, Representative McGee of Lynn had been relieved of duty (at his own request) from the committee on Education, Arts and Humanities and that Representative Petersen of Marblehead had been appointed to the seventh position on said committee to fill the existing vacancy.

That Representative Petersen of Marblehead had been relieved of duty (at his own request) from the committee on Human Services and Elderly Affairs and that Representative McGee of Lynn had been appointed to the fourth position on said committee to fill the existing vacancy; and

That Representative Straus of Mattapoisett had been appointed to the seventh position on the committee on Transportation to fill an existing vacancy.

Resolutions.

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

Resolutions (filed by Mr. Fagan of Taunton) on the occasion of National Volunteer's Week, April twenty-third through April thirtieth, nineteen hundred and ninety-five;
Resolutions (filed by Messrs. Gately of Waltham and Mandile of Waltham) honoring John J. Daddona for his forty years of dedicated service to the community and youth of Waltham;

Resolutions (filed by Mr. Locke of Wellesley) congratulating Arthur L. Coburn, Jr., upon the dedication of the new library building in his honor in recognition of his many years of service to the town of Weston; and

Resolutions (filed by Ms. Resor of Acton) congratulating Michael Stuart on earning the prestigious rank of Eagle Scout;

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

**Papers from the Senate.**

A Bill relative to the establishment of a capital endowment fund for the town of Belmont (printed in Senate, No. 1841) (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the bill was read a second and a third time forthwith.

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

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

A Bill relative to notice of adjourned town meetings in the town of Belmont (printed in Senate, No. 1843) (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read.

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

A petition of Jane M. Swift and Shaun P. Kelly (by vote of the town) for legislation to authorize the town of Lanesborough to prohibit certain heavy vehicle traffic from Partridge Road, Summer Street and Prospect Street, came from the Senate referred, under suspension of Joint Rule 7B, to the committee on Local Affairs.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1852) was referred, in concurrence, to the committee on Local Affairs.

**Reports of Committees.**

By Mr. Flaherty of Cambridge, 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 Anthony P. Giglio
for legislation to authorize the Personnel Administrator to certify and to place first on the eligible list the name of Jason S. Stowers for the position of police officer in the Commonwealth. Under suspension of Rule 42, on motion of Mr. Giglio of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed Bills
Relating to the establishment of a capital endowment fund for the town of Belmont (see Senate bill printed in Senate, No. 1841); and Relative to notice of adjourned town meetings in the town of Belmont (see Senate bill printed in Senate, No. 1843);
(Which severally originated in the Senate);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted (more than two-third of the members having agreed to pass the same); and they were signed by the Speaker and sent to the Senate.

Orders of the Day.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-six for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5000, amended) was considered.

Pending the question on passing the bill to be engrossed, Mr. Finneran of Boston moved that it be amended in section 2 by striking out, in item 2000-0100, the figures "2,058,454" and inserting in place thereof the figures "1,543,841"; and the amendment was adopted.

There being no objection,— Messrs. Cresta of Wakefield and Peters of Charlton moved that the bill be amended by striking out section 36.

Pending the question on adoption of the amendment, Mr. Coon of Andover asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 129 members were recorded as being in attendance.

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

Therefore a quorum was present.

After debate on the question on adoption of the amendment (Mr. Cohen of Newton being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Cresta; and on the
Quorum.—

yea and nay

No. 68.

Amendment rejected,—

yea and nay

No. 69.

Statement of
Representative
Demakis of
Boston.

Quorum.

Therefore the amendment was adopted.

Mr. Gauch of Shrewsbury then moved that the bill be amended by striking out section 40.

After debate on the question on adoption of the amendment, Mr. Peters of Charlton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Serra), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 142 members were recorded as being in attendance.

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

Therefore a quorum was present.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peters; and on the roll call 60 members voted in the affirmative and 88 in the negative.

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

Therefore the amendment was rejected.

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

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

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

There being no objection,— Messrs. Coon of Andover and LeLacheur of Lowell moved that the bill be amended by adding at the end thereof the following three sections:

"SECTION 150. Notwithstanding the provisions of chapter one hundred and sixty of the General Laws or any other general laws or any other general or special law to the contrary, no railroad corporation including any locomotive engine operated by or on behalf of the Massachusetts Bay Transportation Authority shall permit a locomotive engine passing on its railroad in the town of Andover to sound whistles at any grade crossing which has the following safety features: flashing lights in each direction which are automatically activated by the approaching train; two gates, one on each side of the crossing, both of which are automatically lowered by the approaching train and both extended across approximately half the width of the lanes of traffic so that the entire width of the lanes of traffic is blocked when the gates are lowered; a bell that is automatically activated by the approaching train; overhead street lights; signs posted before the grade crossing in each direction warning motorists and pedestrians of the crossing ahead; posted speed limits for traffic of
not more than forty miles per hour; and not more than two lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding the provisions of this paragraph, a train shall be required to sound its whistle in the event of an emergency.

SECTION 151. The department of public utilities shall require that whistle markers on the railroad right of way on the approach to each crossing shall be replaced with bell markers within ninety days of the effective date of this act.

SECTION 152. The department of public utilities shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines in the town of Andover of the provisions of this act within thirty days of its effective date.

The amendment was adopted.

Mr. Bosley of North Adams being in the Chair,— Mrs. Walrath of Stow then moved that the bill be amended in section 2 by adding at the end of item 8000-0000 the words "; provided further that the Secretary is authorized to reimburse the town of Shirley for the temporary replacement cost of a police officer to cover the duties of the permanently injured officer shot by escaped inmate Robert Stewart, not to exceed fifty thousand dollars".

The amendment was adopted.

There being no objection,— Representatives Gray of Framingham and Turkington of Falmouth moved that the bill be amended by adding at the end thereof the following section:

"SECTION 153. The General Laws are hereby amended by inserting after Chapter 40M the following new chapter:

CHAPTER 40N.

Section 1. Definitions.

'Apportionment schedule' — a table or formula which shows the proportionate distribution of fair share impact fee collected by a municipality on behalf of that municipality or other municipalities and state, sub-state, regional, or subregional agencies for improvements of public facilities not wholly within the financial jurisdiction of that municipality.

'Applicant proportional share'— the applicants proportional share of the overall cost of public improvements which considers: physical proximity of the proposed public improvement to the proposed development; the extent to which the proposed public improvement to the proposed development; the extent to which the proposed public improvement is required under the public improvement plan; the existence of similar or identical plan for public improvements which predate the developers proposal; the extent to which the developer contributes or will contribute to the cost of prospective public improvements not to be funded by impact fees.

'Benefit district' — a geographic area defined by a municipality or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service
areas shall be designated on the basis of the local comprehensive plan and a capital facilities growth plan.

‘Building permit’— the permit issued by the building department before construction can be initiated on a parcel of land.

‘Capital facilities growth plan’ — a plan of public facility improvements for which development impact fees are to be established to accommodate development for the ensuing eight fiscal years, adopted and thereafter updated and re-adopted at least biannually by the municipal planning agency, including the services and facilities element of the municipal master plan.

‘Capital improvement’ — an improvement with a useful life of three years or more, and treated as a capital expense which increases the service capacity of a public facility.

‘Comprehensive Plan’ or ‘Master Plan’ — the plan adopted and amended pursuant to Chapter 41, Section 81D, Massachusetts General Laws.

‘Construction’ — any land clearance, drilling, dredging, filling, grading, or the erection of or addition to any building structures, or any other activity which creates additional demand for a particular public facility or facilities.

‘Credit’— the value of an estimated past and/or anticipated, future payments toward the capital costs of a public facility improvement, for which a fair share impact fee is paid, in the form of property tax, gasoline tax, capacity fee, tap-on fee, user fee, and any other contribution, payment, construction, or dedication of land accepted and received by the municipality for any off-site improvement.

‘Developer’ — any person, corporation, organization or other legal entity undertaking development for itself or on behalf of another.

‘Development’ — means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the case of land, any of which creates additional demand and need for public facilities.

‘Development impact fee’ — means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.

‘Encumber’ — to legally obligate by contract or otherwise commit to use by appropriation or other official act of a municipality.

‘Fee payer’ — the person who pays a development impact fee or the successor in interest, where the right or entitlement or any refund previously paid as required by this chapter has been expressly transferred or assigned to the successor in interest. The right to entitlement of any refund shall be deemed to run with the land.

‘Municipal planning agency’ — the local planning board, planning department or other municipal agency or official as designated by the development impact fee ordinance or bylaw.
‘Proportionate share’ — that share, or portion, of total public facility cost which is reasonably attributable to or caused by an individual development.

‘Public facilities’ — shall include but not be limited to low-income housing, water supply production, treatment, and distribution facilities; waste water collection, treatment disposal facilities; roads, streets, bridges, including rights of way, traffic signals, landscaping and any local components of state or federal highways; storm-water collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements; parks, open space, and recreation areas and related facilities; public safety facilities, including police, fire, emergency medical and rescue facilities.

‘Public facilities capital costs’ — the cost of planning, engineering, design, administration of the fee, financing, and construction of new or expanded public facilities which have a life expectancy of three (3) or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance, expenditures, personnel training, or other operating costs.

‘Roadways’ — roads, and road right-of-way, road approaches and road shoulders, curbs, gutters and sidewalks, landscaping, traffic signals and traffic control signs and pavement markings. Roadway costs shall include engineering and land acquisition for all roadway components as well as traffic signal synchronization and all other services, improvements or ancillary amenities reasonably related thereto.

‘System improvements’ — means capital improvements that are public facilities and are designed to provide service to the community at large, in contrast to ‘development project improvements.’

‘System improvement costs’ — means costs incurred to provide additional public facilities capacity needed to serve new growth and development, including the cost of construction, reconstruction or expansion of such facilities; design, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys’ fees, and expert witness fees); expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital facilities growth plan; and on-going administrative costs, provided that such administrative costs shall not exceed three (3) percent of the development impact fees collected. Financing costs for the retirement of bonds, notes, or other financial obligations issued by or on behalf of the municipality to finance system improvements may be included as system improvement costs only to the extent that these costs are directly related to the provision of additional public facilities capacity.

‘Service area’ — means a geographic area defined by a municipality or intergovernmental agreement in which a defined set of public facilities provide service to the development within the area.
Section 2. Authority.

Cities and towns may collect fair share development impact fees for development in accordance with the requirements set forth herein. No fees shall be collected prior to the adoption of a development impact fee ordinance or bylaw based on a local comprehensive plan or master plan and approved capital facilities growth plan.

Cities and towns, participating in regional or subregional planning programs, may, on behalf of the regional or subregional agency, jointly assess, and collect development impact fees for regional public facilities necessary to accommodate growth according to regional or subregional plans subject to an intermunicipal agreement. This shall not limit the right of any municipality to implement other development impact fees for improvement of public facility(ies) not wholly within the financial jurisdiction of a single municipality shall be based on an apportionment schedule, within the capital facilities growth plan, developed in consultation with, and jointly approved by all jurisdictions involved prior to the collection of any development impact fee for that purpose. The state retains exclusive approval authority over any improvement projects on state owned roadways.

Section 3. Adoption.

Prior to the adoption or amendment of a development impact fee ordinance or bylaw under the provision of this chapter, the municipal planning agency shall:

A. Prepare, adopt and publish a statement of intent to adopt a development impact fee ordinance or bylaw. This may be done prior to the completion of the capital facilities growth plan.

B. Prepare the capital facilities growth plan or amendment thereto;
   1. The capital facilities growth plan shall include:
      a. A map of the municipality showing existing land use;
      b. A map of the municipality showing future land use goals and objectives;
      c. Population, housing and employment projections;
      d. A housing plan or housing assistance plan;
      e. A growth and development policy statement including local public service standards;
      f. A finding of compatibility with the local comprehensive plans, regional policy plans and state planning goals if they exist.
      g. An analysis of public facilities for which development impact fees are to be established which shows:
         1. existing capacity including identification of excess capacity, deficiencies and planned improvements;
         2. municipal financial ability to accommodate anticipated development based on required improvement of specified public facilities; and
         3. the degree to which anticipated development will benefit by existing capacity.
      h. A public facility improvement element which shows the relationship between anticipated development and the public facility need projected for an eight (8) year period;
i. A methodology to determine the amount of development impact fees needed to accomplish the construction or improvement of public facilities to accommodate anticipated development;

j. A description of the administrative mechanisms for implementation of development impact fees including consideration of collection, administration, accounting, reporting and expenditure of collected development impact fees;

k. A development impact fee schedule:
   1. showing the public facility cost including unit cost attributable to developments by land use type;
   2. providing for credits which may be applied prospectively to reduce the dollar amount of the development impact fee.

l. An apportionment schedule;

m. A projected budget showing the cost to be incurred of public facility improvements resulting from anticipated development based on a professionally accented method(s) of forecasting growth. One or more of the above items (a) through (f) may be addressed to the satisfaction of the municipal planning agency, in a community master plan, comprehensive plan or other separate document(s) as defined in M.G.L. c.41, §8ID, updated every five (5) years, and, in which case, need not be repeated in the capital facilities growth plan. A finding to this effect, however, shall be made by the municipal planning agency and shall be incorporated as part of the capital facilities growth plan along with a reference indicating where the public may examine and obtain a copy of this information. The capital facilities growth plan and supporting data sources shall be public documents.

C. Conduct a public hearing and adopt the capital facilities growth plan or amendment thereto.

D. Prepare, and conduct a public hearing on the development impact fee ordinance or bylaw or amendment thereto.

Public hearing notice shall be given in accordance with the provisions of section 5 of Chapter 40A, except that, in addition to the notice required thereunder, not less than fourteen (14) days prior to the public hearings, copies of the notice also shall be sent by first class mail postage prepaid to any regional, sub-regional, inter-municipal district or state agency or authority, for the affected services in which the municipality participates.

‘Proposed Capital Facilities Growth Plan’ and ‘Development Share Impact Fees’ followed by the name of the municipality and shall include the name and mailing address of the sponsoring agency and the name and telephone number of a contact person. Notices pertaining to amendments to capital facilities growth plans and/or development impact fee ordinances or bylaws adopted under the provisions of this section shall include the words ‘amendment(s) to’ in the title and shall indicate the nature of the amendment.

Section 4.

A. Development impact fee ordinances or bylaws shall:
   1. provide that the assessed proportionate cost of public facilities for which a development impact fee is collected bear a roughly pro-
portional degree of service for both the nature and extent of the proposed development's impact. This formula does not have to be a precise mathematical determination, but must be rational, impartial and conducive to fulfillment of authorized planning objects established in the local comprehensive plan, and/or master plan and capital facilities growth plan.

a. Establish a service area, or a set of service areas for each infrastructure type covered in the ordinance. A service area established for a particular infrastructure type is not required to be congruent with a service area established for a different infrastructure type.

b. A service area may not extend beyond the jurisdictional boundary of an infrastructure agency responsible for the infrastructure type for which the impact zone established, unless an intermunicipal agreement has been established.

c. Whenever a service area includes a geographic area containing land located in more than one town and/or city, the applicable legislative bodies shall enter into an agreement concerning the collection, division and distribution of the fees collected under the impact fee ordinance.

2. Development impact fees shall be calculated and imposed on the basis of service areas, system improvements costs, development improvement costs, and levels of service for public facilities that are the result of new growth and development identified in the municipal or regional comprehensive plan that are applicable to existing development as well as the new growth and development.

3. require that monies from development impact fees shall be expended, without further appropriation, for the sole purpose for which they were collected, to improve the specific public facilities identified in the capital facilities growth plan within eight (8) years;

4. be based upon the capital facilities growth plan;

5. Exempt from payment

1. Exempt from the payment of development impact fees development that is determined by the municipal planning agency to:
   a. serve an overriding public interest, provided that such exemptions are specified in the development impact fee ordinance or bylaw;
   b. provides affordable housing units as defined by the Executive Office of Communities and Development;
   c. and for the reconstruction of any residential, commercial or industrial development that is damaged or destroyed as a result of a natural disaster. Any reconstruction of real property or portion thereof which is not substantially equivalent to the damaged property shall be deemed to be new construction and may be assessed fees.

6. Direct the municipal finance officer:
   a. to collect and provide a written receipt for development impact fees collected;
   b. to deposit development impact fees in a separate, interest accruing account for each public facility for which the fee was imposed;
   c. to authorize the disbursement of development impact fee funds by order of the chief executive or other municipal agency or official as provided by ordinance or bylaw:
i. in accordance with the apportionment schedule;
ii. in proper payment of expenses incurred to improve public facilities identified in the capital facilities growth plan; and
iii. to offset debt authorized under Section 5B(2);
d. to refund, to the original owner of the development, the portion of fair share impact fee revenue not expended or encumbered within eight (8) years after the date of collection, in accordance with Section 8.

Section 5. ‘Determination of Fees’.
1. The amount of all development impact fees and any credits shall be determined by the municipal planning agency according to the methodology adopted in the capital facilities growth plan at the earlier of:
   a. the time application is made for a building permit; or
   b. the time of development approval, which shall include but not be limited to special permits, site plan approvals and subdivision approvals.
2. The municipal planning agency may choose to determine the entire fee or credit chargeable to the development at the time of development approval, or, if the development is to be constructed in a phased sequence, the municipal planning agency may determine the fee or credit based solely upon that segment of the development for which the developer is about to commence construction.
3. Notice of the municipal planning agency’s determination of the applicable development impact fee or credit shall be mailed, first-class, postage prepaid to the developer, a copy of which shall be filed in the office of the city or town clerk. No development impact fee payments shall be collected from a developer until said notice is filed in the city or town clerk’s office, and twenty days have elapsed without notice of an appeal as provided in Section 7, and if appeal has been taken, until a final decree of the court sustaining the municipal planning agencies decision.
4. The ordinance shall specify that the fee is to be imposed at the time of issuance of a building permit. The town may provide for negotiated agreements with the owner of the property as to the time and method of paying impact fees including requiring a fee payer to execute a contract to pay the fee or charge. The obligation to pay a fee or charge shall be recorded as a lien on the property. Any ordinance or regulations adopted to implement this legislation shall provide for the procedure by which any portion of the land and any improvements thereon shall be released from the lien requirements and shall require that any lien filed in accordance with this section shall contain a provision citing release procedures.
5. For a phased development an impact fee may be prorated for purposes of payment according to the impact of the parcel for which the building permit is issued in relation to the total impact of the development. Only the prorated portion of the impact fee is due on the issuance of the permit.
6. If an impact fee ordinance is repealed, lapses or becomes ineffective after the assessment of an impact fee on a development but
before the issuance of a building permit for part or all of the development, the part of the impact fee attributable to the undeveloped part, or all of the impact fee, as the case may be, is void and does not become due and payable.

7. An impact fee ordinance may include an installment plan. The plan at least must offer a fee payer the option of paying part of the impact fee in equal installment payments if the fee exceeds $5,000. Under the installment plan:

a. a maximum of five thousand dollars ($5,000) or five percent (5%) of the impact fee, whichever is greater, may become payable on the issuance of a building permit for the development.

b. the first installment may not become payable before one year after the date of issuance of the building permit; and

c. the last installment may not become payable before three years after the date of issuance of a building permit for the development for which the fee is imposed.

d. the impact fee ordinance may provide that a reasonable rate of interest, not to exceed the prejudgment interest rate of interest in effect at the time, may be charged if the payer elects to pay in installments. If interest is charged, the ordinance must provide that interest accrues only on the portion of the impact fee that is outstanding and does not begin to accrue until the date of issuance of the building permit for the development or the part of the development, on which the fee is imposed.

e. On the date of issuance of a building permit for development of property on which an impact fee has been assessed, the municipality acquires a lien on the real property for which the building permit is issued. For a phased development, the amount of the lien may not exceed the prorated part of the impact fee and payable in one or more installments on issuance of the building permit.

f. A holder of a lien of record on any real property which an impact fee is delinquent may pay the delinquent fee and any penalties and costs and have the lien extinguished at any time.

8. Any fees collected under this law may be used to fund the proportionate share of capital improvements and public service that are provided in anticipation of the needs of new development.

In determining the proportionate share of capital improvements and public service costs, the following factors shall be considered:

a. The need for new capital improvements and public services to serve new development based on an existing capital improvements plan that shows

i. the physical proximity of the proposed public improvement to the proposed development;

ii. the extent to which the developer contributes or will contribute to public improvements serving the proposed development;

iii. the extent to which new development caused the deprecation of existing infrastructure;

iv. the cost of prospective improvements;

v. any deficiencies that may be eliminated by impact fees; and
vi. any additional demands reasonably anticipated as the result of capital improvements and public services created by new development.

b. The availability of other sources of revenue to fund capital improvements and public services;

c. The extent to which any new development required to pay impact fees is reasonably projected to contribute to the cost of the existing capital improvements and public service in the future through user fees, debt service payments or other necessary payments related to funding the cost of existing capital improvements and public services.

d. credits shall be allowed for the value of in-kind voluntary public services or contributions made by the fee payer to the municipality. Such contributions may include off-site improvements made to public property under an agreement between the fee payer and the municipality.

Section 6. Appeals.

Any developer aggrieved by the municipal planning agency’s determination of a development impact fee, or credit, chargeable to said developer, may appeal to the superior court department in which said land is situated, or to the land court department; provided, that such appeal is entered within twenty days after the municipal planning agency has filed its determination in the office of the city or town clerk as required in Section 6. Notice of the action with a copy of the complaint shall be given to such city or town clerk so as to be received within such twenty days.

The court shall hear all pertinent evidence and determine the facts, and upon the facts so determined, shall annul such decision if found to exceed the authority of the municipal planning agency, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exceptions as in other equity cases.

Costs shall not be allowed against the municipal planning agency unless it shall appear that such agency acted with gross negligence or in bad faith.

All issues in any proceeding under this section may be advanced for speedy trial over other civil actions and proceedings. An appeal may relate to the dollar amount of the fair share impact fee or credits, the methodology used for determining the fair impact fee standard, or the justification of the fee based upon the capital facilities growth plan. The appeal must be supported with technical studies prepared by individuals competent in their respective fields.

Section 7. Impact Fee Advisory Committee.

1. a. prior to the adoption of a development impact fee ordinance, a municipality may adopt an Advisory Committee.

b. such committee shall be composed of not less than five or more than members appointed by the governing authority of the municipality. An existing planning board may serve as the impact fee committee.
c. The Development Impact Fee Committee shall serve in an advisory capacity to assist and advise the governing boards with regard to the adoption of a development impact fee ordinance.

Section 8. Refunds.

1. Upon completion of a project, the town body responsible for determining the fair share impact fee shall recalculate the impact fee based on the actual cost of the improvement. It shall refund the difference if the impact fee paid exceeds the actual cost by more than 15%. Refunds shall be made to the record owner of the property at the time the refund is made. In the event the municipality has failed to expend or encumber the funds within eight (8) years from the date that the first payment was received, the present owner of the property is entitled to a refund.

2. Within thirty (30) days after the expiration of the eight year period, the municipal finance officer shall publish in a newspaper of general circulation in the city or town, in each of two consecutive weeks and shall send by certified mail to the payer or successor in interest in question at the last known mailing address, a notification of the right to apply for a refund.

3. An application for a refund must be filed with the municipal government within 60 days after the right to a refund occurs. A refund shall include a refund of the pro rata share of the interest actually earned on the unused or excess impact fee collected.

4. If the municipality rejects the application for a refund or approves only a partial refund, the fee payer may appeal not later than sixty (60) days after the rejection or partial approval to the Supreme Judicial Court or the Land Court.

5. In the event that a building permit is abandoned, the fees paid to date will be retained by the municipality. If a new project is proposed for the same area the developer shall receive credit from the town for any impact fees previously paid for the same parcel of land.

6. The seller of any property who has actual or constructive notice of the imposition or pending imposition of an impact fee on that property which has not been paid in full shall give written notice to the buyer before the property is conveyed. The notice must contain: the amount of impact fee that has not been paid and the method of payment. If the seller fails to give the notice required pursuant to this section, he is liable to the buyer for any amount of the impact fee which becomes payable after the conveyance.

In the event of funds from development impact fees transferred to other jurisdiction under an apportionment schedule where those funds are not expended or encumbered by that jurisdiction within eight (8) years from the date of collection, the city or town originally collecting the fee may demand, and is entitled to, the refund if the original developer has timely and properly demanded a refund in accordance with the requirements above.


The annual report of the municipal planning agency shall include a detailed record of activities under the fair share impact fee ordinance or bylaws. The annual report of the municipal finance officer
shall include an accounting of proceeds and distribution from fair share impact fee accounts. A copy of this report shall be sent to the Department of Revenue. The original owner of the development who paid the fair share impact fee, his successors and assigns, shall be furnished a final accounting of the proceeds and distribution of their funds at conclusion of the eight-year period.

Section 10. Auditing.
There shall be an independent audit of fair share impact fee accounts as required by Massachusetts General Law.

CHAPTER 44.
New Section 53G.

Section 53G. Fair Share Impact Fee Accounts.
Notwithstanding the provisions of section fifty-three, any city or town which accepts the provisions of this section may establish in the treasury, accounts kept separate and apart from all other moneys by the treasurer and in which shall be deposited the receipts and interests earned from fair share impact fees as provided by local ordinance or bylaw. The principal and interest thereon shall be expended at the direction of the chief executive or other municipal agency or official as provided by the local fair share impact fee ordinance or bylaw without further appropriation in accordance with the provisions of Chapter 40N. The municipal finance officer shall submit annually a report of all fair share impact fee accounts to the chief executive, and copies shall be sent to the municipal planning agency and to the director of accounts.

An impact fee may not be imposed after July 1, 1995, unless the fee is imposed under this chapter. However, provisions of this chapter shall not apply to impact fee ordinances adopted by local law before the enactment of this chapter.

The amendment was rejected.
Mr. Hynes of Marshfield then moved that the bill be amended in section 2 by adding at the end of item 9000-1900, after the word "Holyoke" (inserted by amendment), the words "; provided, further that fifteen thousand dollars shall be expended to assist the Massachusetts Association of Campground Owners distribute up to 40,000 Campground Directories". The amendment was adopted.

Mr. Cousins of Newburyport then moved that the bill be amended in section 2 by inserting before item 7010-0005 the following item:

7005-1101 For the purpose of reimbursing cities and towns for the costs of losses due to the school choice program during fiscal year nineteen hundred and ninety-five ... 5,350,117".

After debate on the question on adoption of the amendment (Mrs. Menard of Somerset being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Cousins; and on the roll call 25 members voted in the affirmative and 132 in the negative.

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

Therefore the amendment was rejected.
There being no objection,—Representatives Cousins of Newburyport, Colt of Wenham, Teagan of Plymouth and Teague of Yarmouth moved that the bill be amended by adding at the end thereof the following section:

"SECTION 153. The Commissioner of the Department of Fisheries, Wildlife, and Environmental Law Enforcement is hereby directed to conduct a study regarding the feasibility of expanding and upgrading the Newburyport shellfish purification plant, and the feasibility of the Commonwealth constructing, or developing licensing procedures and soliciting bids for the construction of an additional shellfish purification plant in a coastal region within the Commonwealth. Said study shall detail the potential economic benefits of expanding or increasing the shellfish purification capacity for the shellfish industry; specifically investigating the opportunities for employment of displaced fisherman and recapturing lost economic benefits due to the recent federal Department of Commerce commercial fishery moratorium on the George’s Bank, Gulf of Maine, and inter-coastal waterways of the Commonwealth."

The amendment was adopted.

There being no objection,—Messrs. Cousins of Newburyport, Iannuccillo of Lawrence and Broadhurst of Methuen moved that the bill be amended by adding at the end of item 2100-3011 the words "; provided that no less than fifty-five thousand two hundred seventy-two dollars shall be expended for the purpose of funding eight seasonal lifeguard positions for the Center South portion of Salisbury beach and five guards for the New Hampshire line portion of Salisbury beach, and for the purpose of purchasing eight radios for said positions".

The amendment was adopted.

There being no objection,—Messrs. Honan of Boston and Tolman of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 154. Section 258 of Chapter 60 of the Acts of 1994 is hereby amended by striking out in paragraph one the words ‘on or before June thirtieth, nineteen hundred and ninety-five’ and inserting in place thereof ‘on or before November thirtieth, nineteen hundred and ninety-five’.".

The amendment was adopted.

After debate, Mr. Teague of Yarmouth moved that the bill be amended in section 2 by striking out, in item 1108-5200, in lines 37, 38 and 39, the words "; provided further, that the commonwealth’s share of such premiums for active state employees shall be eighty-five percent of such premiums and rates" and inserting in place thereof the following: “on behalf of active employees and their dependents earning in excess of forty thousand ($40,000), shall contribute no less then seventy-five percent of the total monthly premium or rate applicable to said coverages and the active employees on behalf of themselves or themselves and their dependents shall contribute the remaining twenty-five percent of the total monthly premium or rate,”; by striking out, in lines 44 to 47, inclusive, the
words, "; provided further, that active employees of the Massachusetts bay transportation authority and of regional transit authorities shall pay not less than fifteen percent of such premiums and rates", and inserting in place thereof the words "; provided further, that active employees of the Massachusetts bay transportation authority and of regional transit authorities shall pay not less than twenty-five percent of such premiums and rates"; and by adding at the end thereof the following: "any savings realized pursuant to the implementation of section 500 of this act, shall be rolled forward into fiscal year 1997 to be used for the operations of the Group Insurance Commission".

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. Teague; and on the roll call 31 members voted in the affirmative and 124 in the negative.

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

Therefore the amendments were rejected.

Mr. Teague of Yarmouth then moved that the bill be amended in section 2 by striking out items 2100-0005, 2100-1000, 2100-2002, 2100-2030, 2100-3010, 2100-3011, 2410-1000, 2410-1001, 2420-1400, 2440-0010, 2440-0045, 2440-1202, 2440-2000, 2440-3000, 2440-3001, 2440-4000, 2440-4500, 2440-5000, 2440-6000, 2443-2000, 2443-3000, 2444-9001, 2444-9004, 2444-9005 and 2460-1000; and by inserting after item 2030-9701 the following fourteen items:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
<th>Fund/Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>2700-0005</td>
<td>For service pursuant to the purposes of sections eighty-five and eighty-eight of chapter thirty-three of the acts of nineteen hundred ninety-one</td>
<td>2,803,630</td>
<td>Harbors and Inland Waterways Fund 100.00%</td>
</tr>
<tr>
<td>2700-1000</td>
<td>For the administration of the service</td>
<td>3,603,154</td>
<td>Local Aid Fund 91.86%, Highway Fund 8.14%</td>
</tr>
<tr>
<td>2700-2000</td>
<td>For the operation of a program of resource conservation, public access and recreation outside of the metropolitan Boston Area; provided, that the service shall maintain sufficient fire detection and control personnel at the Myles Standish State Forest in Plymouth to provide a credible and uninterrupted deterrent during months when fire is a threat</td>
<td>14,952,396</td>
<td>Local Aid Fund 90.00%, Highway Fund 10.00%</td>
</tr>
<tr>
<td>2700-3000</td>
<td>For the operation of a program of parks, reservations, and recreation within the metropolitan Boston area</td>
<td>14,527,844</td>
<td>Highway Fund 60.00%, Local Aid Fund 40.00%</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Amount</td>
<td></td>
</tr>
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<td></td>
</tr>
<tr>
<td>2700-3010</td>
<td>For seasonal hires of the service, hires for the fire control unit</td>
<td>7,318,675</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Aid Fund ............................................................... 70.47%</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Highway Fund ................................................................. 29.53%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2710-1001</td>
<td>The service is hereby authorized to expend for the operation and maintenance of the service’s telecommunications system seventy-five thousand dollars from revenues received from the Massachusetts water resources authority, the Massachusetts convention center, the department of highways central artery/third harbor tunnel project, so called, the bureau of metropolitan operations of the department of state police, and quasi public and private entities through a system of user fees and other charges established by the commissioner; provided, that nothing in this section shall impair or diminish the rights of access and utilization of all current users of the system pursuant to agreements which have been entered into with the service; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the service to maintain its telecommunications system</td>
<td>75,000</td>
<td></td>
</tr>
<tr>
<td>2720-1400</td>
<td>For the watershed management program to operate and maintain reservoirs, watershed lands, and related infrastructure of the service; provided, that expenses incurred in other service programs to assist the watershed management program may be charged to this line item</td>
<td>10,651,361</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Watershed Management Fund ................................................................ 100.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2740-0045</td>
<td>For payment to the city of Boston for maintenance and operation of the James Michael Curley recreation center</td>
<td>294,819</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Aid Fund ................................................................. 100.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2743-2000</td>
<td>For assistance to the commonwealth zoological corporation to subsidize the operation and administration of the metropolitan zoos, pursuant to chapter ninety-two of the General Laws</td>
<td>2,310,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Aid Fund ................................................................. 100.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2744-9004</td>
<td>For certain payments for the maintenance and use of the trailside museum and the chickatawbut hill center</td>
<td>309,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Aid Fund ................................................................. 100.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2744-9005</td>
<td>Funds for the provision of street lighting in service parks and reservations in the metropolitan district</td>
<td>300,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Highway Fund ................................................................. 100.00%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Funds for the operation of the Construction Division and related expenses of construction projects ................................................................. 1,810,744
  Highway Fund .................. 80.00%
  Local Aid Fund ................. 20.00%

Funds the provision of telecommunication services to governmental agencies. In this way, the service is able to utilize more fully surplus telecommunication capabilities created by the consolidation of the Metro Police and the Department of State Police in 1991 .............................................. 100,000
  Intragovernmental Services Fund .............................................. 100.00%

Funds the provision of fuel, oil, and other products, at cost, to the Department of State Police and other state agencies. MPIS is reimbursed for this service through payments to the intragovernmental Services Fund .............................................. 450,000
  Intragovernmental Services Fund .............................................. 100.00%

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

"SECTION 155. Section one of chapter twenty-one and section one of chapter twenty-eight of the General Laws is hereby repealed.

Except where noted in section ninety-six, wherever the names of the metropolitan district commission or the department of environmental management appear in any general or special law, or in any order, rule or regulation or other document related to the exercise of such powers, or the performance of such duties, or to such custody and control are as vested in those departments, such name shall mean and shall be construed as referring to the Massachusetts park service; provided, that except where otherwise indicated in section ninety-six, said powers, duties, and custody and control are hereby transferred by this section to the Massachusetts park service.

Notwithstanding any other general or special law to the contrary, custody and control of the public rights-of-way under the direction of the metropolitan district commission on June thirtieth, nineteen hundred and ninety-five, are hereby transferred from the metropolitan district commission to the department of highways, and said rights-of-way shall thereafter be state highways, subject without limitation, to all laws, rules, regulations and orders applicable to state highways; provided, that the secretary of the executive office of the environmental affairs and the secretary of the executive office of transportation and construction shall enter into a memorandum of understanding within ninety days of passage of this act. Such memorandum shall provide the public rights of-way under the direction of the metropolitan district commission as of June thirtieth, nineteen hundred and ninety-five shall be transferred to the department of highways; and shall further provide that the subject transfers do not
adversely affect the environmental, recreational, or public safety missions of the Massachusetts park service.”.

After debate the amendments were rejected.

There being no objection,—Messrs. Peters of Charlton, Peterson of Grafton, Marini of Hanson, Cresta of Wakefield, Jones of North Reading and Guerriero of Melrose moved that the bill be amended by inserting after section 1 the following section:

“SECTION 1A. (a) Notwithstanding any other provision of this act or any other general or special law to the contrary, the sums set forth for appropriation and spending authorizations from retained revenue in line-items in section two of this act shall be reduced by one half of one percent. Notwithstanding the amounts appropriated or authorized to be expended in section two, the comptroller shall not make available for expenditure amounts in excess of the amount indicated in section two reduced by one half of one percent, and provided further that such reductions in appropriations in said section two shall not apply to so-called ‘local aid’ line-items providing for assistance to the various cities and towns nor shall such one half of one percent reduction apply to ‘debt service’ line-item appropriation accounts.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peters; and on the roll call 35 members voted in the affirmative and 122 in the negative.

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

Therefore the amendment was rejected.

Mr. Peterson of Grafton then moved that the bill be amended in section 2 by adding at the end of item 7052-0007 the words “; and provided further that not less than five hundred thousand dollars to be expended for emergency repairs to the Blackstone Valley Regional High School”. After remarks the amendment was rejected.

Ms. Stanley of Merrimac then moved that the bill be amended by striking out section 16. Mr. Serra of Boston being in the Chair,—the amendment was adopted.

There being no objection,—Messrs. Flaherty of Cambridge and Poirier of North Attleborough moved that the bill be amended in section 2 by striking out item 9430-0100 and inserting in place thereof the following item:

“9430-0100 For the operation and administration of the labor relations commission; provided, that twenty thousand dollars shall be expended for the purpose of opening a satellite office in the Springfield state office building; provided further, that twenty-five thousand dollars shall be expended to support collective bargaining elections in statewide units 1, 3 and 6...968,778”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by inserting after section 67 the following four sections:
"SECTION 67A. Chapter 118E of the General Laws, as amended by section 17 of chapter 161 of the acts of 1993, is hereby amended by striking out section 31 (as in effect until June 30, 1995) and inserting in place thereof the following section:—

Section 31. (a) This subsection shall apply to estates of individuals dying prior to April first, nineteen hundred and ninety-five. There shall be no adjustment or recovery of medical assistance correctly paid except as follows:

(1) Recovery from the Permanently Institutionalized From the estate of an individual, regardless of age, who was an inpatient in a nursing facility or other medical institution when he or she received such assistance. Recovery of such assistance shall be limited to assistance provided on or after March twenty-second, nineteen hundred and ninety-one.

(2) Recovery from Persons Age 65 and Over From the estate of an individual who was sixty-five years of age or older when he or she received such assistance.

Any recovery may be made only after the death of the surviving spouse, if any, and only at a time when he or she has no surviving child who is under age twenty-one or is blind or permanently and totally disabled. The division shall waive recovery where it would result in undue hardship, as defined by the division in its regulations.

(b) This subsection shall apply to estates of individuals dying on or after April first, nineteen hundred and ninety-five. There shall be no adjustments or recovery of medical assistance correctly paid except as follows:

(1) Recovery from the Permanently Institutionalized From the estate of an individual, regardless of age, who was an inpatient in a nursing facility or other medical institution when he or she received such assistance. Recovery of such assistance shall be limited to assistance provided on or after March twenty-second, nineteen hundred and ninety-one.

(2) Recovery from Persons Age 65 and Over From the estate of an individual who was sixty-five years of age or older when he or she received such assistance.

(3) Recovery from Persons Age 55 and Over for Post-October 1, 1993 Medicaid From the estate of an individual who was fifty-five years of age or older when he or she received such assistance, where such assistance was for services provided on or after October first, nineteen hundred and ninety-three.

Any recovery may be made only after the death of the surviving spouse, if any, and only at a time when he or she has no surviving child who is under age twenty-one or is blind or permanently and totally disabled. The division shall waive recovery where it would result in undue hardship, as defined by the division in its regulations.

(c) For purposes of this section, 'estate' shall mean all real and personal property and other assets includable in the decedent's probate estate under the General Laws.
SECTION 67B. Chapter 118E of the General Laws, as amended by section 17 of chapter 161 of the acts of 1993, is hereby amended by striking out section 31 as scheduled to take effect on June thirtieth, nineteen hundred and ninety-five.

SECTION 67C. Section 32(a) of said chapter 118E is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:

In the event a petitioner fails to send copies of the petition and death certificate to the division and the decedent received medical assistance for which the division is authorized to recover under section thirty-one, any person receiving a distribution of assets from the decedent’s estate shall be liable to the division to the extent of such distribution.

SECTION 67D. The provisions of sections sixty-seven A, sixty-seven B, and sixty-seven C of this act shall take effect as of April first, nineteen hundred and ninety-five.”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out in item 2260-8870 the following:

“Clean Environment Fund .... 42.0%
Environmental Challenge Fund .......... 32.0%
Underground Storage Tank Petroleum Product Cleanup Fund ............ 16.0%
Toxic Use Reduction Fund .............. 10.0%”;

and inserting in place thereof the following:

“Clean Environment Fund .. 43.74%
Environmental Challenge Fund .......... 35.00%
General Fund .................. 8.55%
Local Aid Fund .................. 8.55%
Underground Storage Tank Petroleum Cleanup Fund ...

The amendment was adopted.

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

“SECTION 155. Notwithstanding the provisions of any general or special law to the contrary, the head of each agency which is funded in any item of appropriation in sections two or two B of this act by means of a minor budgetary fund or dedicated fund, so called, shall file an initial spending plan with the comptroller and with the house and senate committees on ways and means on August first, nineteen hundred and ninety-five. Said initial spending plan may be amended in a final spending plan filed with the comptroller and said committees on ways and means by September fifteenth, nineteen hundred and ninety-five. Said spending plans shall indicate anticipated revenues to, and expenditures from, such minor budgetary funds or dedicated funds for the fiscal year ending June thirtieth,
nineteen hundred and ninety-six; provided, that such spending plan shall include a projection of such revenues and expenditures that will leave such fund with a positive balance at the end of said fiscal year; provided further, that the comptroller shall not authorize or certify any expenditure from such fund that is not included in such spending plan; and provided further, that the comptroller shall not allow or certify expenditure from any such fund when there is not a positive balance projected for such fund by the end of said fiscal year.”.

The amendment was adopted.

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

“SECTION 156. The Secretary of Administration and Finance, in cooperation with the Secretary of Education, is hereby directed to develop a plan to dissolve the Department of Education and the Board of Education. All functions delegated to said Department of Education and Board of Education shall be performed by the Executive Office of Education. The Secretary of Administration and Finance shall submit said plan to the Committees on Ways and Means and Education no later than January 1, 1996. Said plan shall be implemented no later than the last day of fiscal year 1996.”.

After debate Mr. Lambert of Fall River moved that the amendment be amended by adding at the end thereof the following sentence: “The Secretary of Administration and Finance shall develop a plan to dissolve the Executive Office of Education and to transfer all functions under the secretary to the Board of Education.”.

Mr. Peters thereupon raised a point of order that the further amendment offered by the gentlemen from Fall River was beyond the scope of the pending amendment.

The Chair (Mr. Serra of Boston) stated that the point of order was well taken; and the further amendment was laid aside accordingly.

After further debate on the question on adoption of the amendment offered by Mr. Peters of Charlton, the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 30 members voted in the affirmative and 128 in the negative.

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

Therefore the amendment was rejected.

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

“SECTION 156. Any pending or future federal waivers relative to Title XIX of the Social Security Act that would apply to the Commonwealth and would result in an expansion or increase of the current Medicaid caseload shall be subject to approval by the House Ways and Means Committee prior to the implementation or promulgation of regulations; and provided further that the provisions of this section shall take effect on January first, nineteen hundred ninety-five.”.

The amendment was adopted.
There being no objection, — Messrs. Teague of Yarmouth and Poirier of North Attleborough moved that the bill be amended by adding at the end thereof the following section:

"SECTION 157. Section 1. Notwithstanding any special or general law to the contrary, no agency shall hire any individual for the purpose of performing human resource duties. Human resource duties shall be defined as the selection, placement and training of employees. Such duties also include the formulation of policies, procedures and relations relative to employees or their representatives.

Section 2. The Secretary of the Executive Office of Administration and Finance in conjunction with the Director of Personnel Administration shall develop and promulgate all regulations necessary for the creation of the Total Human Resource Unit (T.H.R.U.). This unit shall be responsible for the coordination and administration of all human resource activities as defined in sections 1 and 2 of this act. Human resource positions shall include, but not be limited to the following job titles as defined by the Department of Personnel Administration, Personnel Management Group’s Statewide Survey of Human Resource Positions: Human Resource/Personnel Directors; Training Directors; Classification/Compensation Managers; Recruitment Directors; Personnel Analysts; Personnel Officers; Personnel Selection Specialists; Training Program Coordinators; Training Technicians; and any other positions as defined in section 1 of this act, except Labor Relations Directors, Labor Relations Officers, Affirmative Action Directors, and Affirmative Action Officers.

Section 3. Not less than fifteen million dollars shall be directed to the Department of Personnel Administration to create the Total Human Resource Unit for the purpose of carrying out comprehensive human resource functions for all state agencies. This centralized operation shall be conducted in conjunction with the Department’s Personnel Management Information System (P.M.I.S.) and Commonwealth Automated Payroll System (C.A.P.S.). This consolidated PMIS/CAPS system shall assist in the coordination of all personnel duties including but not limited to recordkeeping and information coordination for selecting, training, placing, transferring and dismissal of state agency employees, and for payroll purposes.

Not more than five million dollars shall be dispersed among state agencies as determined by the Secretary of Administration and Finance for the purpose of managing the consolidation of human resource functions of said agencies and for the purpose of retaining labor relations staff and affirmative action staff within each agency."

The amendment was adopted. Subsequently Mr. Teague moved that this vote be reconsidered; and the motion to reconsider prevailed. On the recurring question the amendment was rejected.

There being no objection,— Representatives Cleven of Chelmsford and Khan of Newton moved that the bill be amended in section 2 by striking out, in item 4513-1111, the figures “500,000” and inserting in place thereof the figures “1,000,000.”
After debate on the question on adoption of the amendment, the
sense of the House was taken by yeas and nays, at the request of
Mrs. Cleven; and on the roll call 70 members voted in the affirm-
ative and 86 in the negative.

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

Therefore the amendment was rejected.

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

"SECTION 158. Notwithstanding the provisions of section four
of chapter seven of the General Laws, the Metropolitan District
Commission and the Department of Environmental Management are
hereby exempted from the provisions of administrative bulletin 93-1
section IVA."

The amendment was adopted.

The same member then moved that the bill be amended by adding
at the end thereof the following section:

"SECTION 159. Section I of chapter 132A of the MGL is hereby
amended by adding the following words, 'and the assessment of any
indirect or associated costs or administrative overhead rates' after
the word 'taxation' in the third line of said section."

The amendment was rejected.

Mr. Brewer then moved that the bill be amended in section 121
by adding at the end thereof the following paragraph:

"(k) any city, town or regional school district that has long term
debt due to school building construction and is in the first year of
receiving School Building Assistance Bureau assistance grant
money for a new project may apply for recalculation of the mini-
imum required local contribution to exclude any such first year new
grant money from the excess debt service calculation; provided, that
eligibility for such recalculation shall not recur in subsequent
years."

The amendment was adopted.

The same member then moved that the bill be amended by adding
at the end thereof the following section:

"SECTION 159. Section 6B of Chapter 200A of the General
Laws, as so appearing, is hereby amended by striking out (a) and
inserting in place thereof the following subsection:

(a) Subject to the provisions of section one A and subsection (b)
of this section, any sum payable on a certified check, draft, cashier's
check, treasurer's check, registered check, money order, traveler's
check, or other similar written instrument on which a person is
directly liable shall be presumed abandoned under this section if it
has been outstanding for more than three years from the date it was
payable, or from the date of its issuance, if payable on demand, or in
the case of traveler's checks has been outstanding for more than fif-
teen years from the date of issuance, or in the case of money orders
has been outstanding for more than five years from the date of
issuance, unless the owner has within three years, of fifteen years in
the case of traveler's checks, or within five years in the case of
money orders, corresponded in writing with the person concerning
it, or otherwise indicated an interest as evidenced by a memorandum on file with the person. A new person is directly liable if it is the actual holder of the fund representing the face amount of any such instrument at the time of the presumed abandonment hereunder.”.

The amendment was rejected.

Mr. Stefanini of Framingham then moved that the bill be amended in section 2, in item 4590-0300, by inserting after the word “centers,” in line 19, the words “provided, that programs funded in this item include an educational component and campaign on smokeless tobacco;”.

The amendment was adopted.

Mr. Cresta of Wakefield then moved that the bill be amended in section 2, in item 8910-0000, by inserting after the words “Essex county”, in line 12, the words “, and provided further that a payment of two hundred thousand dollars be made available to the town of Middleton for relief to mitigate fiscal demands placed on public health and safety departments in the town due to the Essex county correctional facility being placed in said town”.

The amendment was rejected.

The same member then moved that the bill be amended in section 2 by adding at the end of item 0511-0250 the following: “; provided that $35,000 be provided to the John A. Volpe Library for the archive and presentation of the gubernatorial papers of John A. Volpe, late of Wakefield”.

The amendment was adopted.

Mr. Fagan of Taunton then moved that the bill be amended in section 2, in item 0321-1502, by striking the figures “5,567,293” and inserting in place thereof the figures “5,901,331”; by striking out, in item 0321-1510, the figures “34,313,510” and inserting in place thereof the figures “36,372,320”; and in item 0321-1512 by striking out the figures “12,933,143” and inserting in place thereof the figures “13,709,131”.

After debate (Mr. Voke of Boston being in the Chair) the amendments were rejected.

Mr. Fitzgerald of Boston then moved that the bill be amended in section 2 by adding at the end of item 7061-9611 the words “and provided that no less than two hundred and fifty thousand dollars will be expended for service corps and community-based service-learning programs administered by the Massachusetts National and Community Service Commission which administer safe and violence prevention programs or after-school programs”.

The amendment was adopted.

Mr. Correia of Fall River then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 159. The department of highways is hereby authorized and directed to install flashing school zone lights on Mt. Hope Avenue and Woodman Street for the Hector Belisle School in the city of Fall River.”.

The amendment was adopted.
There being no objection,— Messrs. Gauch of Shrewsbury, Brewer of Barre and Cousins of Newburyport moved that the bill be amended by adding at the end thereof the following section:

"SECTION 160. Notwithstanding any general or special law to the contrary, the provisions set forth at 310 CMR 15.000 through 15.261 and at 310 CMR 15.290 through 15.504, as promulgated and published on or about March 29, 1995 by the Secretary of the Commonwealth, shall provide that any homeowner who has installed a new septic system in accordance with said regulations, and can provide registered civil engineer plans and a verification of installation date, shall be exempt from the mandatory inspection requirement in the event that the homeowner seeks to sell the home, within eighteen months from the installation of said septic system.".

The amendment was adopted.

Mr. Correia of Fall River then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 161. The commissioner of the department of revenue is hereby authorized and directed to keep open and in operation all existing district offices of said department.".

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 162. The department of highways is hereby authorized and directed to install a flashing school zone light at the intersection of Middle and Forest streets for St. Anne's school in the city of Fall River.".

The amendment was adopted.

There being no objection,— Messrs. Teague of Yarmouth and Ruane of Salem moved that the bill be amended in section 2, in item 5046-0000, and also in item 5095-0000, by striking out, in lines 2 and 3, the words "five million dollars" and inserting in place thereof, in each instance, the words "seven million dollars".

The amendments were adopted.

Mr. Thompson of Cambridge then moved that the bill be amended in section 2 by striking out, in item 8100-0000, the figures "124,985,573" and inserting in place thereof the figures "125,110,573"; and by striking out, in item 8700-0001, the figures "3,196,644" and inserting in place thereof the figures "3,071,644".

The amendments were rejected. The same member then moved that this vote be reconsidered; and the motion to reconsider prevailed. On the recurring question the amendments were adopted.

Mr. Kaufman of Lexington and other members of the House moved, there being no objection, that the bill be amended by adding at the end thereof the following section:

"SECTION 163. A special commission shall be established to explore alternatives to local property taxes as the primary source of funding for public education in the Commonwealth. The commission shall consist of three members named by the Speaker of the House, one member named by the House Minority Leader, three members named by the Senate President, one member named by the Senate
General Appropriation Bill.

Minority Leader, and three members named by the Governor. The commission shall report to the legislature no later than March first, nineteen hundred and ninety-six.

After remarks the amendment was adopted.

The Speaker being in the Chair,—Ms. Teagan of Plymouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 164. The Massachusetts Port Authority and the Massachusetts Aeronautics Commission are hereby authorized and directed to study the feasibility of selling the General Edward Lawrence Logan International Airport to a private entity which would be responsible for the operation and maintenance of said airport. The aforesaid study shall consider the following: (1) the total annualized valuation of the airport facilities; (2) the total annualized costs associated with the operation and maintenance of the General Edward Lawrence Logan International Airport, and any savings to be incurred by the Commonwealth through the sale of the said airport. The results of the aforementioned study are to be reported to the Senate and the House of Representatives Committees on Ways and Means on or before the first day of January of the Year One Thousand Nine Hundred and Ninety-Six."

Recess.

Amendment rejected,—yea and nay No. 75.

Therefore the amendment was rejected.

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

"SECTION 164. Section 6 of chapter 64H of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out paragraph (ff) and inserting in place thereof the following paragraph:—

(ff) Sales of printed material which is manufactured in the commonwealth to the special order of a purchaser, to the extent such material is delivered to an interstate carrier, a mailing house or a United States Post Office for delivery or mailing to a purchaser located outside the commonwealth or a purchaser's designee located outside the commonwealth, including sales of direct and cooperative direct mail promotional advertising materials which are manufactured both inside and outside the commonwealth and which are distributed to residents of the commonwealth from locations both
inside and outside the commonwealth. For the purpose of this paragraph, ‘direct and cooperative direct mail promotional advertising materials’ shall mean discount coupons, advertising leaflets and similar printed advertising including any accompanying envelopes and labels which are distributed with promotional advertising materials of one or more than one business in a single package to potential customers, at no charge to the potential customer, of the business paying for the delivery of such material.”.

The amendment was adopted.

Mr. Manning then moved that the bill be amended by adding, at the end thereof the following two sections:

"SECTION 165. Section 8 of chapter 44 of the General Laws is hereby amended by striking out clause (22), as appearing in the 1990 Official Edition, and inserting in place thereof the following clause:

(22) For the construction of incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, for the purpose of disposing of waste, refuse and garbage, twenty-five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

SECTION 166. Said section 8 of said chapter 44 is hereby amended by striking out clause (24), as appearing in the 1990 Official Edition, and inserting in place thereof the following clause:

(24) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, twenty-five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

The amendment was adopted.

Mr. Locke of Wellesley then moved that the bill be amended by adding, at the end thereof the following section:

"SECTION 167. Notwithstanding the regulation put forth in the Code of Massachusetts Regulations, Section 310, Chapter 22.19, paragraph 2; or Chapter 372 of the Acts of 1984, or any other general or special law, rule, order or regulation to the contrary, no funds of the Commonwealth or of the Massachusetts Water Resources Authority shall be expended for the purpose of constructing covered water supply reservoirs or replacing such reservoirs with enclosed storage tanks in the Town of Weston until a cost/benefit analysis has been completed by the MWRA Advisory Board after a public hearing.”.

The amendment was adopted.

Mr. McDonough of Boston and other members of the House moved, there being no objection, that the bill be amended in
section 2, in item 4403-2120, by striking out, in lines 3, 4 and 5, the words "provided further, that no person shall be placed in a shelter unless said person is made homeless by natural disaster, sheriff's eviction or is a victim of domestic violence" and also in item 4403-2130 by striking out, in lines 6, 7 and 8, the words "provided further, that no person shall be placed in a hotel or motel unless, said person is made homeless by natural disaster, sheriff's eviction or is a victim of domestic violence" and inserting in place thereof, in each instance, the words "provided further, that no persons shall be placed in any type of emergency shelter unless said persons are made homeless by natural disaster, sheriff's eviction, domestic violence or condemnation of the housing unit or building in which the person resides, or unless the current circumstances of the family constitutes a threat to its health or safety or unless the family lacks feasible alternative housing including temporary accommodations with relatives or friends; provided further, the department or its designated shall verify every family's eligibility for emergency shelter; provided further, that no family shall be placed in emergency shelter if the family has rendered itself homeless for the purpose of making itself eligible for emergency assistance or for the purpose of obtaining a housing subsidy".

The amendments were adopted.

There being no objection,— Messrs. Fitzgerald of Boston and McDonough of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 168. The Dimock Community Health Center may contrary to Chapter 7, Section 406, line 12, enter into a lease agreement for a term not to exceed twenty-five years with the Department of Social Services not to exceed market rate and subject to review and approval of the Inspector General."

The amendment was adopted.

There being no objection,— Messrs. Teague of Yarmouth and Coon of Andover moved that the bill be amended by adding at the end thereof the following eleven sections:

"SECTION 169. Chapter 71A, as appearing in the 1992 Official Edition, is hereby amended by striking out the words 'transitional bilingual education,' wherever it occurs, and inserting in place thereof, in each instance, the following words:— bilingual education.

SECTION 170. Subsection 1 of chapter 71A, as appearing in the 1992 Official Edition, is hereby amended by striking out the fourth, fifth, and sixth paragraphs and inserting in place thereof the following paragraphs:—

'Children of limited English-speaking ability,' (1) children who were not born in the United States whose native tongue is a language other than English and, because their comprehension and speaking skills in English are substantially less developed than their comprehension and speaking skills in their native language, are incapable of performing ordinary classwork in English, and (2) children who were born in the United States of non-English speaking
parents, and because their comprehension and speaking skills in English are substantially less developed than their comprehension and speaking skills in their native language, are incapable of performing ordinary classwork in English.

'Teacher of bilingual education,' a teacher with a speaking and reading ability in a language other than English in which bilingual education is offered and who is fluent in both spoken and written English.

'Program in bilingual education,' a full-time program of instruction for children of limited English-speaking ability in all those courses or subjects which a child is required by law to receive and which are required by the child's school committee whose principal objective is to equip such children with sufficient fluency in English as to be capable of rejoining the regular education program after no more than three years. Such programs may include transitional bilingual education, structured immersion, and two-way bilingual programs, all as defined in this section, as well as other programs in bilingual education as may be proposed by schools and approved by the department, which approval shall not be unreasonably withheld.

'Transitional bilingual education,' a program in bilingual education as defined herein which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, and which shall additionally include the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program, and in the history and culture of the United States. For no less than one-third of the child's school day, the child shall be taught exclusively in English.

'Structured immersion,' a program in bilingual education wherein students are taught in English at a level appropriate to their comprehension, and where the native language is used only when needed to clarify instruction.

'Two-way bilingual,' a program in bilingual education which also enrolls approximately equal numbers of English proficient students and is intended to develop bilingualism in the two groups of students; native language skills of both groups are maintained and improved while the second language is being developed.

SECTION 171. Section 2 of said chapter 71A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Each school committee shall ascertain, not later than the first day of March, the number on children of limited English-speaking ability within its school system, and shall classify them according to the language of which they possess a primary speaking ability. For this purpose, no student shall be determined to be of limited English-speaking ability unless he has been administered a thorough
diagnostic evaluation that finds his ability to speak and comprehend English to be sharply less developed than his ability to speak and comprehend his native language. Such diagnostic evaluations shall be made pursuant to the standards promulgated by a national standards organization and as the department shall further prescribe. The child’s parent or guardian shall have the right to be present at such evaluation.

SECTION 172. Section 2 of said chapter 71A, as so appearing, is further amended by striking out the third and fourth paragraphs and inserting in place thereof the following paragraph:

Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled in and participate in a program of bilingual education established for the classification to which he belongs by the city, town, or school district in which he resides for a period of not more than three years, provided, however, that such programs can be offered by the school district for a period longer than three years if subject to parental choice.

SECTION 173. Section 2 of said chapter 71A, as so appearing, is further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:

A statewide standardized examination in the oral comprehension, speaking, reading and writing of English, as prescribed by the department, shall be administered annually to all children of limited English-speaking ability enrolled and participating in a program in bilingual education. No school committee shall transfer a child of limited English-speaking ability out of a program in bilingual education prior to his third year of enrollment therein unless the child’s parents approve the transfer in writing, and unless the child has received a score on said standardized examination which, in the determination of the department, reflects a level of English language skills appropriate to his or her grade level. The department shall adopt and implement the standardized criteria for said statewide examination no later than September, nineteen hundred and ninety-six.

SECTION 174. Section 3 of said chapter 71A is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following paragraph:— After a child has been determined to be of limited English-speaking ability, the school principal shall notify the child’s parents or legal guardian that (1) their child has been determined to be of limited English-speaking ability, and (2) that they have the right to choose to enroll their child in a program of bilingual education, or to choose to have their child remain in the regular education program, and (3) in the event the school offers a choice of programs in bilingual education, that they may choose from among them. Such notice shall be given in writing in the child’s home language, and shall include a detailed description of the instructional design, educational premises, and merits of each available program, including regular education, as prepared by the principal in consultation with the programs’ administrators. Such
notice shall also notify parents of the bilingual parent advisory council and its role. After such notice has been given, and before enrolling any child in a program in bilingual education, the principal shall obtain the written consent of the parents or legal guardian to enroll their child in the program of choice. If the parent or guardian is not capable of providing such informed consent in writing, the principal shall designate an interpreter who shall meet with the parent, orally describe the parent's options, and record the choice of the child's parent.

SECTION 175. Said chapter 71A is hereby further amended by adding after section 3 the following new section:

Section 3(a). In each school with a bilingual education program, the principal shall instruct the bilingual parent advisory council and the school site council of their responsibility for considering the educational needs of all students (both those enrolled in bilingual programs and those enrolled in regular programs) in their deliberations and recommendations. Each council shall maintain a seat for ex-officio representation from the other council.

SECTION 176. Section 5 of said chapter 71A is hereby amended by striking out the last sentence of the second paragraph and inserting in place thereof the following:

The student-teacher ratio in a program of bilingual education shall be no greater than in a program of regular education in the same school. The department shall ensure that students in regular and bilingual education programs are afforded substantially similar staffing ratios. The department shall further ensure that each school with a bilingual program include a strategy in the school's annual improvement plan which outlines how students enrolled in a bilingual program will be effectively integrated into all programs and school support services available at the school.

SECTION 177. The second paragraph of section 6 of said chapter 71A is hereby amended by striking out the words "communicative skills in English" and inserting in place thereof the following:

are fluent in both spoken and written English.

SECTION 178. Section 6 of said chapter 71A is hereby amended by inserting the following paragraph after the final paragraph:

Beginning September nineteen hundred and ninety-seven, no person shall be eligible for employment by a school committee as a teacher of a bilingual education program unless he or she has passed an evaluation administered by the department to determine his or her fluency in spoken and written English and reading comprehension.

SECTION 179. Said Chapter 71A is hereby further amended by inserting after section 9 the following new section:

Section 10. The board of education shall develop, jointly with the secretary of education and the department of education, standards for evaluating the effectiveness of bilingual programs. The board shall annually review the results of the statewide standardized examination of each district's bilingual programs and shall determine whether or not said programs have proven to be effective in preparing children of limited English-speaking ability for main-
streaming. The results of the board’s review shall be communicated to the department and to the superintendents of schools of each city and town.”.

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

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 30 members voted in the affirmative and 124 in the negative.

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

Therefore the motion to reconsider was negatived.

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

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

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

Mr. Teague of Yarmouth then moved that the bill be amended in section 2 by inserting after item 0610-0000 the following item:

"0610-0093 For the purposes of allowing the department of veterans’ services to make bonus payments to Persian Gulf war veterans; provided, that all such payments shall be considered with the purposes of the trust instrument for ‘A Hero’s Welcome Trust Fund’ ........................................... 30,000”.

The amendment was adopted.

Mr. Poirier of North Attleborough then moved that the bill be amended in section 2 by inserting after item 7061-9618 the following item:

"7061-9619 For the purpose of funding the Franklin Institute of Boston; provided, that the Franklin Institute of Boston shall be granted access to the Massachusetts education computer system; provided further, that the Franklin Institute of Boston shall be permitted to join the state buying consortium ......................................................... 1”.

The amendment was adopted.

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

“SECTION 169. Section 96 of Chapter 127 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting at the end thereof the following new subsection:—

All inmates, prisoners, or residents of any state or county correctional facility shall be prohibited from buying or receiving as a gift, a television to be used within their private cell.”.
After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 37 members voted in the affirmative and 120 in the negative.

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

Therefore the amendment was rejected.

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

"SECTION 169. Section 29 of Chapter 15A of the General Laws, as so appearing, is hereby amended by striking out paragraphs (a), (b) and (c) and inserting in place thereof the following three paragraphs:

(a) As used in this chapter and in chapters seventy-three and seventy-five, the following words shall have the following meanings:

'Non-partisan', as applied to student organizations not endorsing or adhering to particular ideological or religious positions in the articles of incorporation, charter, constitution, or by-laws.

'Official student referendum', a referendum vote of the student body which is sanctioned by the college-recognized student governmental association and certified by said student governmental association as valid.

'Optional fee', any amount payable on a student tuition bill, but not a mandatory charge or waivable fee, appearing as a separately assessed item, accompanied by a statement as to the nature of said item and that said item is not a charge required to be paid by the student but rather the student may add said charge to the total amount due, and that said item is displayed on the bill at the request of the student body and does not necessarily reflect the endorsement of the board of trustees.

'Student organization', any organization of students at public post secondary educational institutions which is open to membership of all students who pay the optional fee and is controlled by its students.

(b) Non-mandatory student fees to nonpartisan student organizations which employ legislative agents as defined in section thirty-nine of chapter three, or to nonpartisan student organizations attempting to influence legislation as defined in section forty-four of said chapter three, shall be paid on student tuition bills by an optional fee whenever students have authorized said optional fee on the tuition bill by a majority vote of the students voting in an official student referendum. The continuation of said optional fee on the student tuition bill may be subject to re-authorization by an official student referendum every two years. Necessary administrative costs arising in connection with the collection of said fee may be billed by the board of trustees to the student organization at the time of the transfer of funds collected to said student organization.

(c) the board of trustees shall not allow any funds for legislative agents as defined in section thirty-nine of said chapter three or organizations attempting to influence legislation as defined in section
forty-four of said chapter three to be assessed on student tuition bills; provided, however, that optional fees for nonpartisan student organizations which employ said legislative agents or attempt to influence legislation shall be collected by the board of trustees whenever students have authorized an optional fee by a majority vote of those students voting in an official student referendum. Said optional fees shall be collected as provided in paragraph (b).”

After debate on the question on adoption of the amendment (Mrs. Menard of Somerset being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call (the Speaker being in the Chair) 43 members voted in the affirmative and 107 in the negative.

[See Yea and Nay No. 78 in Supplement.]

Therefore the amendment was rejected.

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

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

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

Mr. Coon of Andover then moved that the bill be amended by adding at the end the following section:

“SECTION 169. Notwithstanding any general or special law to the contrary, all accounts appropriated herein shall be subject to an audit by the State Auditor.”.

The amendment was adopted.

Mr. Teague of Yarmouth then moved that the bill be amended in section 2 by adding at the end of item 1100-1400 the words “; and provided further, that not more than ninety-five thousand dollars may be expended on the salary of the executive director; and provided further, that no employee shall be reimbursed for the expenses of regular commuting to work.”

The amendment was adopted.

Mr. Sullivan of Abington then moved that the bill be amended by striking out section 37; and the amendment was adopted.

There being no objection,— Messrs. Finneran of Boston and Fitzgerald of Boston moved that the bill be amended by adding at the end thereof the following section:

“SECTION 170. Section 8 of Chapter 21J, as most recently amended by St. 1992, c. 133, §325 is hereby amended by striking therefrom the last sentence of the first paragraph thereof and substituting for said sentence the following:

Notwithstanding the provisions of any other general or special law to the contrary, no board member shall be disqualified or prohibited from participating in any decision or action of the board by reason of the financial interest of the member, the member’s employer, or any member of the boards member’s immediate family
in any enterprise engaged in the petroleum business, or in the
business of supplying insurance coverage or services, or banking
services, to any such enterprise, provided that no member shall par-
ticipate in any decision or action upon an application for reimburse-
ment where said member, the member's employer or the member's
immediate family member is or expects to become entitled to
receive all or any portion of the proceeds of said application.”.

The amendment was adopted.

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

“SECTION 171. Section 15 of Chapter 150E, as appearing in the
1992 Official Edition, is hereby amended by striking in line 16 the
following:— except in the instance when a regional or local school
district does not receive authorization for a shortened year from the
department of education, in which case such employee shall be eligi-
ble for compensation at this regular rate for such additional days
worked.”.

After debate the amendment was rejected.

Mr. Lepper then moved that the bill be amended in section 2, in
item 4000-0210, by striking out, in lines 5, 6 and 7, the words “pro-
vided further, that provider day care rates in fiscal year nineteen
hundred and ninety-six shall be the same as those in effect in fiscal
year nineteen hundred and ninety-five”; in item 4000-0215 by
striking out, in lines 18 to 21, inclusive, the words “and provided
further, that provider day care rates in fiscal year nineteen hundred
and ninety-six shall be the same as those in effect in fiscal year nine-
teen hundred and ninety-five”; in item 4000-0225 by striking out, in
lines 1, 2 and 3, the words “provided, that provider day care rates in
fiscal year nineteen hundred and ninety-six shall be the same as
those in effect in fiscal year nineteen hundred and ninety-five”; and
in item 4000-0230 by striking out, in lines 3, 4 and 5, the words
“provided further, that provider day care rates in fiscal year nineteen
hundred and ninety-six shall be the same as those in effect in fiscal
year nineteen hundred and ninety-five”.

The amendments were rejected.

Mr. Lepper of Attleboro then moved that the bill be amended in
section 2, in item 4130-0005, by striking out, in lines 1 and 2, the
words “provided, that all day care facilities shall accept state
subsidized day care vouchers as a condition of licensure;”; and by
striking out section 25.

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. Lepper; and on the roll call 45 members voted in the affirmative
and 109 in the negative.

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

Therefore the amendments were rejected.

Mr. Cohen of Newton then moved the bill be amended in sec-
tion 2, in item 2220-2205, by striking out the figures “1,476,347”
and inserting in place thereof the figures “1,973,236”; in item 2220-
2207, by striking out the figures “110,125” and inserting in place
the figures “209,919”; in item 2220-2208 by striking out the figures “484,043” and inserting in place thereof the figures “700,746”; in item 2220-2209 by striking out the figures “231,200” and inserting in place thereof the figures “245,200”; and in item 2220-2210 by striking out the figures “140,470” and inserting in place thereof the figures “323,631”.

The amendments were adopted.

There being no objection,— Messrs. Quinn of Dartmouth, Straus of Mattapoisett and Kraus of Kingston moved that the bill be amended in section 2 by adding at the end of item 7100-0200, as amended, the words “; provided further that not less than three hundred forty-three thousand dollars shall be expended for the cranberry experiment station”.

The amendment was adopted.

There being no objection,— Messrs. Dempsey of Haverhill and Teague of Yarmouth moved that the bill be amended by adding at the end thereof the following section:

“SECTION 171. The division of medical assistance is hereby directed to implement the provisions of sections sixty-seven and sixty-eight of chapter one hundred twenty-six of the acts of nineteen hundred and ninety-four.”

The amendment was adopted.

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

“SECTION 172. Notwithstanding the provisions of chapter thirty-two of the General Laws or of any other general or special law to the contrary any city, town or county whose legislative and executive body has accepted the provisions of section forty-eight of chapter one hundred and thirty-three of the acts of nineteen and ninety-two, and whose retirement system has as its members the employees of the retirement board of such retirement system, shall upon the vote of such retirement board as its own executive authority, provide to its employees the same rights and privileges of election of the early retirement program as defined in said section forty-eight, under the same terms and conditions of such retirement program, just as if such members had chosen the early retirement program under the terms and time limitations of above mentioned section forty-eight, provided that such election by the member and such acceptance by the retirement board take place within ninety days after the effective date of this act, and provided further, the retirement date elected under the provisions of this section shall not be later than forty-five days after the acceptance of this section by the appropriate retirement board.”.

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 173. Section 20 of Chapter 32, as appearing in the 1992 Official Edition, is hereby amended by adding the following subdivision:

(6) Retirement Board Members Compensation.— (a) The elected and the appointed members of any city, town, county, district, or
authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend of three thousand dollars per annum; provided that said stipend shall be paid from the income fund of the appropriate retirement fund; provided further, that the ex-officio member of any city, town, county, district, or authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend of no more than three thousand dollars per annum in the aggregate for services rendered in the active administration of the retirement system.”.

The amendment was adopted.

There being no objection, — Messrs. Rushing of Boston and Bosley of North Adams moved that the bill be amended in section 8 by adding at the end thereof the following paragraph:

“The secretary of administration and finance shall report on the status of each agency, board, or division of the commonwealth receiving moneys under section two, two A, two B or two C of the fiscal year operating budget, including supplementary and deficiency budgets compliance or non-compliance with their affirmative action policy to the Joint Committee on Public Service and the Joint Committee on Commerce and Labor on or before December first, nineteen hundred and ninety-five.”.

The amendment was adopted.

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

“SECTION 174. Notwithstanding any general or special law to the contrary, the executive office of education in cooperation with the higher education coordinating council and the executive office of administration and finance is hereby authorized and directed to conduct a study of the economic feasibility and efficiency of consolidating some or all of the campuses under the higher education system of the commonwealth. Said study shall include but not be limited to the development of a plan to efficiently eliminate the duplication of programs at more than one campus and the possibility of eliminating specific campuses, as well as the cost of such consolidation and potential savings. Said executive office shall file said study and recommendations relative thereto with the house and senate committees on ways and means on or before June thirtieth, nineteen hundred and ninety-six.”.

The amendment was adopted.

There being no objection, — Messrs. Teague of Yarmouth and Guerriero of Melrose moved that the bill be amended by adding at the end thereof the following section:

“SECTION 175. Section 321 of Chapter 94 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended, in line 5, by inserting after the word ‘drinks’ the following new words, ‘ice teas,’ and is hereby further amended by inserting in line seven after the words, ‘malt beverages’, the following new words, ‘and beverages known as “wine coolers” so-called.’.

The aforementioned provisions shall take effect within six months of the passage of this act.”.

The amendment was adopted.
General Appropriation Bill.

Mr. DeFilippi of West Springfield then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 176. Paragraph two of section twenty-one of chapter one hundred and sixty-one of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding at the end thereof the following:— The authority's liability in tort shall not exceed the amount of one hundred thousand dollars ($100,000) per person.".

The amendment was adopted.

There being no objection,— Representatives Rushing of Boston, Gardner of Holliston and DiPaola of Malden moved that the bill be amended in section 2 by striking out item 1108-4010 and inserting in place thereof the following item:

"1108-4010 For the Massachusetts teachers' retirement board; provided, that the teachers' retirement board shall expend an amount not to exceed one hundred thousand dollars for the one-time costs associated with conducting an actuarial valuation report valuating the costs of providing an alternative retirement benefit for teachers; provided, however, that the house and senate committees on ways and means and the joint committee on public service shall have reviewed and approved in advance the actuarial, economic, and demographic assumptions upon which said actuarial valuation report is based, and the manner and methodology used in the development of the actuarial valuation report; provided further, that the General Fund shall be reimbursed for the amount of this appropriation pursuant to clause (a) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws ........................................ 1,765,389".

The amendment was adopted.

Mrs. Lewis of Bridgewater then moved that the bill be amended in section 2 by inserting after item 3000-0100 the following item:

"3000-0110 For the expenses of the state commission of manufactured housing, as established by Chapter 145 of the Acts of 1993, including, but not limited to travel, postage, advertising and printing........ 10,000".

The amendment was adopted.

The Speaker then interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of ten o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll call 120 members voted in the affirmative and 34 in the negative.

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

Therefore Rule 1A was suspended.

Ms. Evans of Wayland then moved that the bill be amended in section 2 by adding at the end of item 6000-0054 the following:
"which shall include a feasibility study of the reopening of the Central Mass Railroad between Boston and Route 495"; and the amendment was adopted.

There being no objection,— Representatives Evans of Wayland and Walrath of Stow moved that the bill be amended in section 2, in item 7061-9611, by inserting after the word "program", in line 5, the words "to include domestic violence and dating violence within the curriculum".

The amendment was adopted.

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

"SECTION 177. The Massachusetts Turnpike Authority is hereby authorized and directed to study the feasibility of implementing, on or before the first day of January of the Year One Thousand Nine Hundred and Ninety-Six, a fully automated, electronic vehicle identification and toll payment system, for voluntary use by all vehicles that operate on all the highways owned and operated by the Massachusetts Turnpike Authority. The aforementioned system to be studied shall incorporate the following features; (1) a vehicle based tag or transponder for vehicle account identification and assessment of the applicable debt, that shall have a low construction cost in order to support high level distribution; (2) the ability to support and process non-stop, high speed account validation and toll collection; (3) the ability to notify the user of the funds available for an approaching toll plaza; (4) a convenient means for the user to determine the remaining funds stored and available for toll collection; (5) the ability of the user to conveniently obtain a tag or transponder, and further have the ability to conveniently update his account balance; (6) a convenient means for the driver to obtain a receipt for a transaction; (7) the ability to maintain working effectiveness, including read reliability and information integrity, within the typical environmental conditions of the commonwealth; (8) the ability to be implemented in such a configuration which maintains or improves the existing level of safety, both for drivers and Massachusetts Turnpike Authority personnel. All the recommendations for the aforementioned automated toll collection system shall be implemented on or before the first day of January of the Year One Thousand Nine Hundred and Ninety-Seven.".

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by adding at the end of item 8100-0006 the words "; and provided further, that notwithstanding any general or special law to the contrary, the department of state police is hereby authorized to incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year nineteen hundred and ninety-six to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system for the purposes stated herein to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year nineteen hundred and ninety-six".

The amendment was adopted.
The same member then moved that the bill be amended in section 2B by adding at the end of item 8100-0002 the words ‘‘; provided, that notwithstanding any general or special law to the contrary, the department of state police is hereby authorized to incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year nineteen hundred and ninety-six to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system for the purposes stated herein to accommodate the delayed receipt of revenues authorized to be assessed against state agencies and departments and deposited to this item during fiscal year nineteen hundred and ninety-six’’.

The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 53 by inserting after the word ‘‘without’’, in line 9, the words ‘‘further action by the appropriating’’; and the amendment was adopted.

Mr. Bosley of North Adams then moved that the bill be amended by adding at the end thereof the following section:

‘‘SECTION 178. There is hereby established a special task force, to consist of five members of the house of representatives, one of whom shall be the house chairman of the joint committee on commerce and labor, one of whom shall be the house chairman of the joint committee on public service, both of whom shall serve as co-chairmen, and the other three of whom shall be appointed by the speaker of the house of representatives; three members of the senate, one of whom shall be the senate chairman of the joint committee on commerce and labor, one of whom shall be the senate chairman of the joint committee on public service and one of whom shall be appointed by the President of the senate, and seven other persons, one of whom shall be the President or his designee of the American Federation of State, County and Municipal Employees, one of whom shall be the Secretary of Administration and Finance or his designee, one of whom shall be the President of the University of Massachusetts, or his designee, one of whom shall be the President or his designee of the Massachusetts Association of Corrections Officers, one of whom shall be the President, or his designee, of the Service Employees International Union, one of whom shall be the director of the Massachusetts Board of Conciliation and Arbitration, and one of whom shall be the Commissioner of the public employee retirement administration for the purpose of determining whether or not to require that workers’ compensation be a subject of mandatory collective bargaining between the commonwealth and its unionized employees. Said task force shall commence deliberations no later than September 1, 1995. The task force shall report to the Clerk of the House of Representatives and Clerk of the Senate the results of its study and its recommendations, with copies to the Chairman of the Joint Committees on Commerce and Labor and Public Service together with drafts of legislation, if necessary, to carry its recommendations into effect by filing the same with the clerk of the house.”
of representatives on of before the first of January, nineteen hundred and ninety-five."

After remarks the amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 100 by striking out, in lines 2 and 3, the words "hospital-based mental health services" and inserting in place thereof the words "acute care mental health services".

The amendment was adopted.

Recess.

At eighteen minutes before eleven o'clock P.M. (Tuesday, April 11), on motion of Mrs. Menard of Somerset (the Speaker being in the Chair), the House recessed until the hour of twelve o'clock noon on Wednesday, April 12; and at that time the House was called to order with Mrs. Menard in the Chair.

Wednesday, April 12, 1995 (at 12:00 o'clock noon).

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

Gracious God, at the beginning of this legislative day we pause for a moment to turn our thoughts to You, Our Creator, and to ask for guidance in legislative matters. We are also reflecting on our relationship to You during this special religious season of the year for both Jews and Christians. The Jewish Community is preparing for the observance of Passover while the Christian Community is entering into the final days of Holy Week, a preparation for Easter. Teach us in our diverse and pluralistic society to respect the religious beliefs of others while remaining committed to our own religious convictions. Inspire us to appreciate both the material and spiritual dimension of our lives and to remain faithful to Your values and our constitutional responsibilities.

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

At the request of the Chair (Mrs. Menard), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Statement of Representative Canavan of Brockton.

During consideration of the Orders of the Day, Mrs. Canavan of Brockton asked unanimous consent to make a statement; and, there being no objection, she addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's session due to a family emergency. Any roll calls that I may miss today will be due entirely to the reason stated.

Mrs. Canavan then moved that the statement made by her be spread upon the records of the House; and the motion prevailed.
Statement of Representative Caron of Springfield.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the evening portion of today's session, and I will also be absent for tomorrow's session due to illness. Any roll calls that I may miss today or tomorrow will be due entirely to the reason stated.

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

Statement of Representative Fox of Boston.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's session due to official business in another part of the State House. Any roll calls that I may miss today will be due entirely to the reason stated.

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

Statement of Representative Gately of Waltham.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the session of Thursday, April 13 due to a family commitment which requires my personal attendance. Any roll calls that I may miss will be due entirely to the reason stated.

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

Statement of Representative Hyland of Foxborough.

During consideration of the Orders of the Day, Mrs. Hyland of Foxborough asked unanimous consent to make a statement; and, there being no objection, she addressed the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting due to official business while attending a committee hearing in the State House. Any roll calls that I missed today was due entirely to the reason stated.

Mrs. Hyland then moved that the statement made by her be spread upon the records of the House; and the motion prevailed.
Statement of Representative Richie of Boston.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for the evening portion of today's session, and I will also be absent for tomorrow's session, due to illness. Any roll calls that I missed today was due entirely to the reason stated.

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

Resolutions.

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

Resolutions (filed by Speaker Flaherty of Cambridge) on the occasion of Massachusetts Public Higher Education Week, April ninth to April fifteenth, nineteen hundred and ninety-five;

Resolutions (filed by Messrs. Bellotti of Quincy, Mariano of Quincy and Tobin of Quincy) congratulating the United Nations Council for the South Shore Inc. on the occasion of its fiftieth anniversary;

Resolutions (filed by Ms. Gardner of Holliston) congratulating Paul Desimone on being honored by the Medway Good Government Association;

Resolutions (filed by Ms. Gardner of Holliston) congratulating Paul Michell on being honored by the Medway Good Government Association;

Resolutions (filed by Mr. Mannering of Boston) congratulating Saint Theresa of Avila Parish, West Roxbury, on the occasion of its one hundredth anniversary;

Resolutions (filed by Messrs. Manning of Milton, Bellotti of Quincy and Galvin of Canton) commending the citizens of the town of Randolph; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Patricia G. Bensetler on the occasion of her retirement as Chairman of the Bolton Democratic Town Committee;

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

Papers from the Senate.

Reports
Of the committee on Local Affairs, asking to be discharged from further consideration
Of the petition (accompanied by bill, Senate, No. 1063) of Thomas C. Norton for legislation to appropriate state funds to community action agencies and to create a special contingency fund;
Of the petition (accompanied by bill, Senate, No. 1070) of Stanley C. Rosenberg for legislation to provide for the establishment of a program within the Executive Office of Communities and Development to rehabilitate existing town and city halls currently used for local government purposes;

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1199) of Robert D. Wetmore for legislation to require the Department of Environmental Management to provide technical assistance grants to those communities located within five miles of a proposed solid waste facility; and

Of the petition (accompanied by bill, Senate, No. 1200) of Robert D. Wetmore for legislation relative to the criteria for the siting of solid waste facilities;

Of the petition (accompanied by bill, Senate, No. 1826) of Matthew J. Amorello, Robert A. Bernstein and Vincent A. Pedone for legislation to designate a certain ice skating rink in the city of Worcester as the Honorable Charles J. Buffone Skating Rink;

Of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2643) of Paul E. Caron relative to the retirement of police officers from public universities of the Commonwealth; and

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

Of the petition (accompanied by bill, Senate, No. 1531) of Bruce E. Tarr, James Hiland and Anthony J. Verga for legislation to establish a lighthouse preservation fund under the jurisdiction of the Treasurer of the Commonwealth; and

Of the petition (accompanied by bill, Senate, No. 1533) of Bruce E. Tarr and Anthony J. Verga for legislation to require legislative approval for all fees established by the Secretary for Administration and Finance;

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

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

Reports

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

Of the petition (accompanied by bill, Senate, No. 1809) of Robert E. Travaglini, Frederick E. Berry, Therese Murray and Charles E. Shannon for legislation to improve access to mental health services,— and recommending that the same be referred to the committee on Health Care.

Of the petition (accompanied by bill, Senate, No. 807) of the Professional Fire Fighters of Massachusetts, by Robert B. McCarthy, president, and Warren E. Tolman for legislation to provide for an increase in contributions for costs of training firefighting personnel;
Of the petition (accompanied by bill, Senate, No. 814) of Dianne Wilkerson for legislation relative to certain insurance benefits for domestic partners of state employees;  
And recommending that the same severally be referred to the committee on Public Service.

Of the committee on Local Affairs, asking to be discharged from further consideration
Of the petition (accompanied by bill, Senate, No. 1060) of Stanley Zoll for legislation to provide for binding referendum questions in cities and towns,— and recommending that the same be referred to the committee on Election Laws.

Of the petition (accompanied by bill, Senate, No. 1085) of Robert D. Wetmore and Stephen M. Brewer for legislation relative to the notices required concerning intent to remove, fill, dredge or alter land bordering water,— and recommending that the same be referred to the committee on Natural Resources and Agriculture.

Of the petition (accompanied by bill, Senate, No. 1056) of James P. Jajuga and the Massachusetts Chiefs of Police Association, by Paul L. Doherty, executive director, for legislation to allow cities and towns to contract with other states for mutual police aid agreements,— and recommending that the same be referred to the committee on Public Safety.

Of the petition (accompanied by bill, Senate, No. 1086) of the Massachusetts Coalition of Police, AFL-CIO, by Kenneth T. Scanzio, vice president, and Robert D. Wetmore for legislation to provide for prompt payment to public employers for private detail work performed by public employees,— and recommending that the same be referred to the committee on Public Service.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, 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 Eric Turkington for legislation to exempt Martha’s Vineyard from certain provisions of the law concerning charter schools; and
Petition (accompanied by bill) of Nancy H. Evans and other members of the House for legislation to exempt certain school districts from certain regulations promulgated by the Department of Education;
Severally to the committee on Education, Arts and Humanities.
Under suspension of Rule 42, on motion of Mr. Turkington of Falmouth, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance.
Severally sent to the Senate for concurrence.

By Mr. Haley of Weymouth, for the committee on Criminal Justice, on House, Nos. 1672, 2139, 2531, 2906, 3502 and 4082, an Order relative to authorizing the committee on Criminal Justice to
make an investigation and study of certain House documents concerning mandatory sentencing and other related matters (House, No. 4864). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mrs. Cleven of Chelmsford, for the committee on Education, Arts and Humanities, on a petition, a Bill establishing an exchange program between teachers and legislators (House, No. 1272, changed in section 2 by striking out, in line 1, the word "April" and inserting in place thereof the word "May"; and in section 3 by striking out the sentence contained in lines 4 to 6, inclusive).

By Mr. DiPaola of Malden, for the committee on Public Service, on a petition, a Bill relative to expenses of the Executive Council (House, No. 1596).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill to expand the retaliation penalty under the Disabled Persons Protection Commission (House, No. 2107).

By the same member, for the same committee, on a petition, a Bill authorizing the Division of Capital Planning and Operations to lease certain property in the city of Boston to the Massachusetts Bay Transportation Authority (House, No. 2819).

By the same member, for the same committee, on a petition, a Bill to protect tropical rain forests by restricting state purchases of certain wood products (House, No. 2836).

By the same member, for the same committee, on a petition, a Bill regarding state mandates (House, No. 3062).

By the same member, for the same committee, on a petition, a Bill improving town halls (House, No. 3617).

By Mr. Cahir of Bourne, for the committee on Transportation, on a petition, a Bill relative to the disposal of lost, abandoned, and stolen property by the Massachusetts Bay Transportation Authority (House, No. 2872).

By the same member, for the same committee, on a petition, a Bill authorizing the Massachusetts Bay Transportation Authority to transfer certain land in the Southwest Corridor in the city of Boston to the Metropolitan District Commission for park purposes (House, No. 2874).

By the same member, for the same committee, on a petition, a Bill designating a certain section of park and reservation land in the Dorchester section of the city of Boston as the Milton Devaughn Memorial Park (House, No. 4038).

Orders of the Day.

The Speaker being in the Chair,— the House Bill making appropriations for the fiscal year nineteen hundred and ninety-six for the maintenance of the departments, boards, commission, institutions
and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5000, amended) was considered.

Pending the question on passing the bill to be engrossed, Messrs. Teague of Yarmouth and Cahir of Bourne moved, there being no objection, that the bill be amended by adding at the end thereof the following two sections:

"SECTION 179. Section 2 of chapter 211B, as most recently amended by section seventy of chapter 379 of the acts of 1992 and appearing in the 1992 Official Edition, is hereby further amended by striking out in line 20 the words 'one hundred and sixty-eight' and inserting in place thereof the following:— one hundred and seventy.

SECTION 180. Section 6 of chapter 218, as most recently amended by section seventy of chapter 379 of the acts of 1992 and appearing in the 1992 Official Edition, is hereby amended by inserting in line 85 after the word 'Barnstable' the following:— the second district court of Barnstable,; and by striking in lines 106-107 the words 'one hundred and sixty-eight' and inserting in place thereof the following:— one hundred and seventy.'."

The amendment was adopted.

Mr. Miceli of Wilmington then moved that the vote be reconsidered by which the House, on Monday last, rejected an amendment, offered by him, in section 2 by adding at the end of item 4540-0900 the words "; provided further, that no action to reduce the client population of the Tewksbury State Hospital shall be undertaken, and no steps shall be taken to close said institution through attrition, layoffs, service relocation, or any other means until a study of any such reduction, service relocation or closing shall be completed, and the general court shall have approved by law any such reduction, service relocation or closing; and provided further, that the secretary for administration and finance shall conduct a study, which shall examine the costs, benefits and quality of maintaining said institution and shall identify alternative methods of providing the services currently provided by said institution, and said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December first of nineteen hundred ninety-five"; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Mr. Miceli moved that the amendment be amended by striking out the text of said amendment and inserting in place thereof the words "; provided further, that said department shall take no action to reduce or realign the client population at the Tewksbury state hospital unless such action results in an alternative placement at an appropriate and cost-effective level of care; provided further, that said department shall limit alterations to staffing configurations at said hospital to be consistent with said client population realignment; provided further, that said department shall submit schedules and proposals for such realignments and staffing alterations to the house and senate committees on ways and means no later than July thirty-first, nineteen hundred and ninety-five".
The further amendment was adopted, thus precluding a vote on the original amendment.

There being no objection,— Messrs. Teague of Yarmouth and Turkington of Falmouth moved that the bill be amended in section 2, in item 4516-1000, by inserting after the word “program”, in line 7, the following: “; provided that not less than one hundred twenty-six thousand nine hundred dollars be expended for the maintenance of the current rabies vaccination program”; and by striking out, in said item, the figures “10,479,615” and inserting in place thereof the figures “10,606,515”; and the amendments were rejected.

There being no objection,— Representatives Teague of Yarmouth, Cahir of Bourne and Gomes of Harwich moved that the bill be amended in section 2, in item 4516-1000, by inserting after the word “program”, in line 7, the following: “; provided that not less than one hundred twenty-six thousand nine hundred dollars be expended for the maintenance of the current rabies vaccination program”; and by striking out, in said item, the figures “10,479,615” and inserting in place thereof the figures “10,606,515”; and the amendments were rejected.

There being no objection,— Representatives Teague of Yarmouth, Cahir of Bourne and Gomes of Harwich moved that the bill be amended in section 2, in item 4516-1000, by inserting after the word “program”, in line 7, the following: “; provided that not less than one hundred twenty-six thousand nine hundred dollars be expended for the maintenance of the current rabies vaccination program”; and by striking out, in said item, the figures “10,479,615” and inserting in place thereof the figures “10,606,515”; and the amendments were rejected.

There being no objection,— Messrs. Finneran of Boston and Cahir of Bourne moved that the bill be amended by striking out, in item 0332-1202, the figures “250,000” and inserting in place thereof the figures “750,000”.

The amendment was adopted.

There being no objection,— Messrs. Finneran of Boston and Cahir of Bourne moved that the bill be amended by adding at the end thereof the following section:

“SECTION 181. The provisions of section 1 of Chapter 29 of the General Laws, as amended by section 4 of chapter 231 of the Acts of 1994, and the provisions of section 1 of Chapter 29B of the General Laws, as amended by section 5 of said section 231, shall take effect July first, nineteen hundred and ninety-six.”.

The amendment was adopted.

There being no objection,— Messrs. Finneran of Boston and Cahir of Bourne moved that the bill be amended by adding at the end thereof the following section:

“SECTION 182. Section 29A of chapter 217 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 22, the word 'one' and inserting in place thereof the word:— six.

SECTION 183. Section 29B of chapter 217 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 21, the word 'one' and inserting in place thereof the word:— six.”.

The amendment was adopted.
There being no objection,—Messrs. Teague of Yarmouth and Angelo of Saugus moved that the bill be amended by adding at the end thereof the following section:

"SECTION 184. Section 131A:2, as appearing in Massachusetts General Laws 1992 Official Edition, is amended by adding in line 8 after the word 'habitat' the following:—'Possession, transfer, sale or exchange of scrimshaw, curios, collectibles, antiques or artifacts of endangered species, mounted or unmounted, which items can be reasonably determined to predate 1st of January, 1973 shall be exempt from the provisions of this chapter.'."  
The amendment was adopted.

Mr. Teague then moved that the bill be amended in section 2 by striking out item 7061-9200; and the amendment was adopted.

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

"SECTION 185. Chapter 30A of the Massachusetts General Laws, as appearing in the most recent edition, is hereby amended by adding the following new section:

Section 8A. All advisory rulings made by the commissioner of the Department of Revenue that may be necessary to interpret and enforce any statute imposing any tax, excise or fee which is or shall be assessed or collected by the commissioner shall have to be approved by the secretary of administration and finance.".

The amendment was adopted.

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

"SECTION 186. Notwithstanding the provisions of any general or special law to the contrary, the higher education coordinating council is hereby authorized and directed to establish reasonable regulations to require a specific amount of time to be spent in teaching activities by the faculty of the public institutions of higher education in the commonwealth. Said regulations shall emphasize the importance of teaching, as opposed to research or other activities. Said regulations shall be considered in the negotiation of all future contracts.".

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 187. Section 10 of chapter 73, as appearing in the 1992 Official Edition, is hereby amended by inserting in line 1 after the word 'state' the words:— and community.'.".

The amendment was adopted.

There being no objection,—Mr. Dempsey of Haverhill and other members of the House moved that the bill be amended by adding at the end thereof the following section:

"SECTION 188. Section 6 of chapter 136 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding at the end thereof the following clause:

(55) The opening and operation of any manufacturing establish-
ment.'.".

The amendment was adopted.
There being no objection, — Messrs. Panagiotakos of Lowell, Golden of Lowell and LeLacheur of Lowell moved that the bill be amended in section 2 by adding at the end of item 9110-0100 the words "provided further, that said secretary shall grant not less than twenty-five thousand dollars to the Massachusetts gerontology center, inc., as established in this act, for the purpose of conducting a comprehensive feasibility study for the establishment of an alzheimer’s research, development and gerontology center at the Lawrence Manufacturing site, so-called"; by striking out, in said item, the figures “1,727,932” and inserting in place thereof the figures “1,752,932”; and by adding at the end thereof the following section:

“SECTION 189. There is hereby created the Massachusetts Gerontology Center, Inc., a public non-profit corporation, hereinafter referred to as the Center. The purposes of the Center shall be to conduct research into the causes of, and to search for the cure to, Alzheimer’s Disease and other dementia, to treat persons affected with Alzheimer’s Disease and other dementia, to provide independent elderly housing and assisted care facilities for persons afflicted with Alzheimer’s Disease and to support and assist such other activities relating to the foregoing as its Board of Directors determines are appropriate or necessary.

In furtherance of such purposes, the Center shall have the following powers:

(a) To make and execute contracts and any other instruments necessary or convenient for the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes of the Center;

(b) To have a corporate seal which it may alter at its pleasure;

(c) To adopt by-laws for the regulation of its affairs;

(d) To accept, acquire, receive, take, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property both real and personal;

(e) To sue or be sued, provided, however, a director or officer of the Center shall not be liable for the performance of his duties if he acts in compliance with Section 6C of Chapter 180 of the General Laws;

(f) To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such property, both real and personal, as the objects and purposes of the Center may require;

(g) To borrow money, and from time to time, to make, accept, endorse, execute, and issue bonds, indentures, promissory notes, bills of exchange, and other obligations of the Center for monies borrowed or in payment for property acquired or for any of the other purposes of the Center, and to secure the payment of any such obligation by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or other lien upon, assignment of, or agreement in regard to all or any part of the property rights or privileges of the Center, whether now owned or hereafter to be acquired;
(h) To receive stocks, bonds, donations, gifts and to otherwise raise money for the Center's purposes;

(i) To elect, appoint and employ officers, agents and employees, to fix their compensation and define their duties and obligations and to indemnify corporate personnel;

(j) To enter into agreements for other transactions with any person, including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency is hereby authorized to enter into such agreements or transactions with the Center.

(k) To do all acts and things necessary or convenient to the exercise of any power or the discharge of any duty provided for by this act.

There shall be nine members of the board of directors of the Center. One member shall be appointed by the Governor, and shall be the chairperson of the Center; one member shall be the Mayor of the City of Lowell, ex officio, or his designee; one member shall be Chancellor of the University of Massachusetts Lowell campus, ex officio, or his designee; two members shall be appointed by the Mayor of the City of Lowell; one member shall be the Dean of the Boston University School of Medicine, ex officio, or his designee; one member shall be the Director of the Planning Office for Urban Affairs, Archdiocese of Boston, ex officio, or his designee; one member shall be the President of Lowell General Hospital, ex officio, or his designee; one member shall be a representative of the Greater Lowell Alzheimer Association. Each of the nine members shall be sworn to the faithful performance of his official duties as a director of the Center. Of the two members appointed by said Mayor, one shall serve for one year from the first day so appointed and one for three years from the first day so appointed. The member appointed by the Governor shall serve for two years from the first day as appointed. Upon the expiration of the term of any such member appointed by the Governor or the Mayor, a successor shall be appointed by said Governor or said Mayor, as the case may be, for a term of three years. In the event of a vacancy in the office of a member appointed by the Governor or the Mayor, a successor shall be appointed by the Governor or by the Mayor, as the case may be, to serve for the unexpired term. Unless reappointed, no member of the Center appointed by the Governor or by the Mayor shall hold office after the expiration of the member's term, and the appointment by the Governor or by the Mayor of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed. The directors shall from time to time elect from among themselves a vice-chairperson and a secretary. The secretary shall be custodian of all books, documents and papers of the corporation and of its minute book and seal.

No member of the board of directors of the Center shall be found to be in violation of section six of Chapter Two Hundred and Sixty-Eight A of the General Laws for conduct which involves his
participation as a member of said board in a particular matter before said board which may affect the financial interest of an independent public entity or private non-profit entity with which he is affiliated; provided, however, that said member, his immediate family or partner, has no personal and direct financial interest in such particular matter; and provided, further, that such affiliation is disclosed to said board and recorded in the minutes of said board.

The real estate and tangible personal property of the Center shall be deemed to be public property used for essential public and charitable purposes and shall be exempt from taxation and from betterment and special assessments; provided that the Center shall, in such amount as mutually approved by the Center and the City of Lowell, make payments to the City of Lowell in lieu of such taxes.”.

The amendments were adopted.

There being no objection,— Messrs. Finneran of Boston and Flaherty of Cambridge moved that the bill be amended in section 2 by striking out, in item 4403-2000, the figures “693,282,248” and inserting in place thereof the figures “623,282,248”; by striking out, in item 7061-0008, as amended, the figures “1,790,401,870” and inserting in place thereof the figures “1,816,401,870”; and by adding at the end of said item the words “; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no city, town or regional school district shall receive less than seventy-five dollars per student in chapter seventy aid, so-called, in fiscal year nineteen hundred and ninety-six”; by striking out, in item 7066-0000, as amended, the figures “2,719,546” and inserting in place thereof the figures “3,219,546”; by striking out, in item 7100-0200, the figures “313,088,278” and inserting in place thereof the figures “317,588,278”; by striking out, in item 7109-0100, the figures “21,173,008” and inserting in place thereof the figures “21,493,276”; by striking out, in item 7110-0100, the figures “17,950,531” and inserting in place thereof the figures “18,222,055”; by striking out, in item 7112-0100, the figures “14,951,822” and inserting in place thereof the figures “15,177,987”; by striking out, in item 7113-0100, the figures “9,881,455” and inserting in place thereof the figures “10,030,924”; by striking out, in item 7114-0100, the figures “22,221,056” and inserting in place thereof the figures “22,557,177”; by striking out, in item 7115-0100, the figures “14,119,768” and inserting in place thereof the figures “14,333,347”; by striking out, in item 7116-0100, the figures “14,522,202” and inserting in place thereof the figures “14,741,868”; by striking out, in item 7117-0100, the figures “9,190,434” and inserting in place thereof the figures “9,329,451”; by striking out, in item 7118-0100, the figures “8,210,432” and inserting in place thereof the figures “8,334,625”; by striking out, in item 7502-0100, the figures “6,691,736” and inserting in place thereof the figures “6,783,412”; by striking out, in item 7503-0100, the figures “8,769,778” and inserting in place thereof the figures “8,889,923”; by striking out, in item 7504-0100, the figures “6,923,380” and inserting in place thereof the figures “7,018,229”;

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by striking out, in item 7505-0100, the figures “6,040,152” and inserting in place thereof the figures “6,122,901”; by striking out, in item 7506-0100, the figures “10,352,615” and inserting in place thereof the figures “10,494,444”; by striking out, in item 7507-0100, the figures “7,796,267” and inserting in place thereof the figures “7,903,075”; by striking out, in item 7508-0100, the figures “13,515,065” and inserting in place thereof the figures “13,700,220”; by striking out, in item 7509-0100, the figures “6,657,962” and inserting in place thereof the figures “6,749,175”; by striking out, in item 7510-0100, the figures “11,453,638” and inserting in place thereof the figures “11,610,551”; by striking out, in item 7511-0100, the figures “13,473,693” and inserting in place thereof the figures “13,659,544”; by striking out, in item 7512-0100, the figures “8,475,022” and inserting in place thereof the figures “8,591,128”; by striking out, in item 7514-0100, the figures “15,043,705” and inserting in place thereof the figures “15,249,802”; by striking out, in item 7515-0100, the figures “8,223,851” and inserting in place thereof the figures “8,336,517”; by striking out, in item 7516-0100, the figures “11,741,587” and inserting in place thereof the figures “11,902,445”; by striking out, in item 7518-0100, the figures “10,827,075” and inserting in place thereof the figures “10,975,405”; and by striking out section 3, as amended, and inserting in place thereof the following section:

"SECTION 3. Local Aid Distributions."

The sums set forth herein for distribution to cities, towns and regional school districts from the amount appropriated in item 7061-0008 in section two reflect an unavoidable slowdown in fulfilling the education reform funding schedule established pursuant to chapter seventy-one of the acts of nineteen hundred and ninety-three. The changes to that schedule reflect the diminished revenue capacity of the commonwealth in fiscal years nineteen hundred and ninety-five and nineteen hundred and ninety-six relative to the funding projected to be available when said chapter was enacted.

The change results from eliminating the use of inflation adjustments to said chapter seventy's base and incremental aid calculations for fiscal year nineteen hundred and ninety-six. Said adjustment is similarly suspended in its application to municipal foundation budgets in order to make the reduction equitably symmetrical and not unduly shift state funding burdens to municipalities. The elimination of said adjustments should not be construed to bind future legislatures in deliberating education reform funding needs, and should be considered a purposeful attempt to balance multiple public policy needs in a fiscally responsible manner, including, but not limited to, appropriations necessary to fund nondiscretionary increases incurred for the protection of the public health, safety and welfare.

The commonwealth's continuing commitment to education reform is maintained, consistent with said funding schedule, by the distribution of one hundred fifty million dollars in additional funds pursuant to the funding plan established by chapter seventy; an increase of
seventeen million nine hundred thousand dollars to provide at least
seventy-five dollars in minimum aid per student; and a twenty-six
million dollar increase to continue funding overburden aid and
make available additional resources to cities, towns and regional
school districts in fiscal year nineteen hundred and ninety-six.
Forty-five million additional lottery fund dollars are also made
available to municipalities for their unrestricted use in said fiscal
year, thus permitting the continued funding of overburden aid that
so many school districts depend upon. Even as the commonwealth's
investment in education increases, municipalities will be adding mil-
ions of new dollars in required minimum local contributions in said
fiscal year.

The chapter seventy sums set forth herein, notwithstanding the
provisions of section two hundred and sixty-two of chapter sixty of
the acts of nineteen hundred and ninety-four, are based on actual
municipal contributions and state aid receipts in fiscal year nineteen
hundred and ninety-five. Said base year is recommended for its
reflection of steady and continued progress toward the goals of edu-
cation reform. That base year also allows us to embrace stable future
budgeting projections and avoid substantial intermunicipal funding
shifts. However, amounts expended in excess of the minimum contri-
butions required for fiscal years nineteen hundred and ninety-five
and nineteen hundred and ninety-six are not intended to become a
permanent addition to each municipality's base in subsequent fiscal
years, in order to implement the intent of section two hundred and
sixty-two for subsequent fiscal years. In addition thereto, waivers of
chapter seventy's most formulaic requirements are preserved by sec-
tion one hundred and twenty-one of this act and the amount of five
million dollars in item 7061-0011 is appropriated in section two for
the purpose of assisting some municipalities overcome extraordinary
hardships created by chapter seventy's requirements.

Notwithstanding the provisions of any general or special law to
the contrary, except for section twelve B of chapter seventy-six of
the General Laws, for the fiscal year ending June thirtieth, nineteen
hundred and ninety-six, the lottery distribution to cities and towns of
the balance of the State Lottery Fund, as paid by the treasurer from
the Local Aid Fund in accordance with the provisions of clause (c)
of section thirty-five of chapter ten of the General Laws, shall be
three hundred ninety-one million six hundred thousand dollars, and
an additional distribution of forty-five million dollars, and both such
distributions shall be apportioned to the cities and towns in accord-
cance with this section; provided, that the amount of any balance in
the State Lottery Fund at the end of said fiscal year shall be trans-
ferred to the Local Aid Fund. Notwithstanding the provisions of chap-
ter seventy of the General Laws or any other general or special law to
the contrary, the amount by which each municipality's lottery distribu-
tion appropriation set forth herein exceeds the amount so appropriated
in fiscal year nineteen hundred and ninety-three shall in no way
increase a municipality's obligation regarding education financing and
shall be eligible for unrestricted use by the municipalities.
Notwithstanding the provisions of any general or special law to the contrary, municipal foundation budgets and revenue growth factors shall not be adjusted or increased for the purposes of establishing required minimum local contributions for said fiscal year to reflect the availability of additional funds available to municipalities pursuant to this section; provided further, that no city, town or regional school district that exceeds its net minimum contribution pursuant to section thirty-two of chapter seventy-one of the acts of nineteen hundred and ninety-three in fiscal year nineteen hundred and ninety-six shall be required to maintain said contribution in excess of its minimum requirement for any subsequent fiscal year.

For the fiscal years between nineteen hundred and ninety-six and two thousand and one, the lottery distribution to cities and towns of the balance of the state lottery fund shall be, subject to appropriation, the sum of the amount distributed in the prior fiscal year, any increase in lottery proceeds for such year, and one-fifth of the difference between the amount distributed to cities and towns in fiscal year nineteen hundred and ninety-five and actual lottery proceeds for such fiscal year; provided further, that for fiscal years including and following fiscal year two thousand and one, the lottery distribution to cities and towns of the balance of the State Lottery Fund shall be the sum of the amount distributed in the prior fiscal year and any increase in lottery proceeds for that year; provided further that the provisions of this paragraph shall not prohibit any corresponding reduction in appropriation for other local aid expenses which would otherwise have been funded with said lottery proceeds.

Notwithstanding the provisions of any general or special law to the contrary, except for section twelve B of chapter seventy-six of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section two of this act shall be set forth in the following lists; provided, that the amounts to be distributed from items 0611-5500 and 7061-0008 of said section two are hereby deemed to be in full satisfaction of the amounts due under chapter seventy and section thirty-seven of chapter twenty-one of the General Laws. No payments to cities and towns, regional school districts or counties maintaining an agricultural school pursuant to this section shall be paid after November thirtieth of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of said commissioner’s acceptance of the prior fiscal year’s annual financial reports submitted pursuant to the provisions of section forty-three of chapter forty-four of the General Laws.”

Pending the question on adoption of the amendments, Mr. McGee of Lynn asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 139 members were recorded as being in attendance.

[See Yea and Nay No. 81 in Supplement.]
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. Sullivan of Abington; and on the roll call 154 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 82 in Supplement.]

Therefore the amendments were adopted.

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

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

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

There being no objection, — Messrs. Straus of Mattapoisett, McIntyre of New Bedford and Quinn of Dartmouth moved that the bill be amended in section 2 by adding at the end of item 2100-1000 the words “; provided, that the department shall conduct a study and report, including the engineering feasibility and design, for the siting of the ferry terminal in the New Bedford harbor as authorized in Chapter one hundred and ninety-six of the Acts of nineteen hundred and ninety-three; such final report, containing a recommended site for the terminal, to be made to the Joint Committee on Natural Resources, the Commissioner of Administration and Finance, and the House and Senate committees on Ways and Means no later than March first, nineteen hundred and ninety-six”.

The amendment was adopted.

There being no objection, — Messrs. McGee of Lynn, Fennell of Lynn and Angelo of Saugus moved that the bill amended in section 2 by striking out item 0332-2700 and inserting in place thereof the following item:

"0332-2700 For the district court of southern Essex (Lynn); provided, however that $1,377,000 of said amount be expended by the chief justice for Administration and Management for the purpose of physical plant upgrades, including but not limited to improvements to lockup facilities and facilities for the Juvenile Court Department, and for the purpose of rental of additional court space, equipment and personnel including one assistant clerk, one assistant probation officer, three probation officers and seven clerical positions two of whom are to be in the Department of Probation and five of whom are to be in the office of the Clerk ......... 3,154,455”.

The amendment was adopted.

There being no objection, — Messrs. Finneran of Boston and Ruane of Salem moved that the bill be amended by adding at the end thereof the following section:
“SECTION 190. Notwithstanding the provisions of any general or special law to the contrary, it shall be the stated policy of the commonwealth that when policies and programs that are funded through federal grants or federal reimbursements are reduced or eliminated by the federal government by any means including reduction in amount of said grants or conversion of such reimbursements to block grants, so-called, the commonwealth shall not assume the costs of said policies and programs including, but not limited to, personnel costs upon such reduction or elimination. The department of administration and finance shall institute budgetary plans, which allow for isolation of federal grants from state appropriations, in order to affect said stated policy.”.

The amendment was adopted.

Mr. Finneran of Boston moved that the bill be amended by adding at the end thereof the following section:

“SECTION 191. The second paragraph of section 41A of chapter 71 of the General Laws, as most recently amended by section 94 of chapter 60 of the Acts of 1994, is hereby further amended by adding the following sentence:— Any person granted a leave of absence under the provisions of this paragraph shall not be subject to the provisions of section thirty-eight G during the period of such leave.”.

The amendment was adopted.

Mr. Correia of Fall River then moved that the bill be amended in section 2 by striking out, in item 0336-0002, the figures “106,779” and inserting in place thereof the figures “111,094”; and the amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by inserting after item 4800-1111 the following item:

“4800-1115 The department of social services, for the purposes of the family stabilization, family reunification, permanency, foster care and group care programs and subject to the provisions of items 4800-0016, 4800-0017, 4800-0020 and 4800-0030, 4800-0041 of section two of this act, may expend an amount not to exceed eleven million dollars from federal revenues collected pursuant to the provisions of Title II, Title IV-A, Title IV-D, Title IV-E, Title XVI and Title XIX of the social security act and to the provisions of the department’s own sliding fee program; provided, that the department shall establish monthly benchmarks for the collection of federal reimbursements based on year end collections of ninety-five million five hundred thousand dollars; provided further, that before depositing any revenue in this account, the comptroller shall certify that the department’s federal reimbursement collections are meeting or exceeding said benchmarks 11,000,000”.

The amendment was adopted.
Mr. Bellotti of Quincy then moved that the bill be amended in section 2, in item 2100-0005, by inserting after the word "Laws", in line 2, the words "; provided, that the director of the Division of Waterways is hereby authorized and directed to dredge around the Quincy Yacht Club and Squantum Yacht Club in Boston Harbor, including the channel basin and the mooring area adjacent to said yacht clubs".

The amendment was adopted.

There being no objection,— Messrs. Toomey of Cambridge and Thompson of Cambridge moved that the bill be amended in section 2, in item 9110-9002, by inserting after the word "aging", in line 1, the following: "; provided that not less than $30,000 be expended for the interior furnishing for newly constructed senior center in the city of Cambridge"; and the amendment was adopted.

There being no objection,— Messrs. Kraus of Kingston and Straus of Mattapoisett moved that the bill be amended in section 2, in item 6010-0001, by adding at the end thereof the words "; provided further, that the department shall expedite the design and contracting work for the Center Street Bridge replacement in Middleborough in order to begin construction during calendar year nineteen hundred and ninety-five".

The amendment was adopted.

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

"SECTION 192. Section 1 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding at the end thereof the following new paragraph:—

Notwithstanding any general or special law to the contrary, the photograph or computer image of any person holding a license to operate a motor vehicle issued pursuant to this chapter, appearing in records maintained by the registry of motor vehicles or its vendors is confidential and shall not be disclosed to any person or corporation, except a court, a law enforcement agency, or any governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the registrar.".

The amendment was adopted.

There being no objection,— Messrs. Cohen of Newton and Cresta of Wakefield moved that the bill be amended in section 2 by striking out, in item 1107-2501, the figures "1,356,007" and inserting in place thereof the figures "1,406,007". The amendment was adopted.

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

"SECTION 193. Section 29 of chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by deleting the words, 'upon blanks furnished', in lines, 19 and 20 and inserting in place thereof the following:— in a form prescribed.".

The amendment was adopted.

There being no objection,— Messrs. McDonough of Boston, Cousins of Newburyport and Angelo of Saugus moved that the bill be amended in section 2 by striking out, in item 0920-0300, the figures "587,327" and inserting in place thereof the figures "655,201";
and in section 3A by striking out, in item 0920-0300, the figures "13.63" and inserting in place thereof the figures "15.75". The amendments were adopted.

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

"SECTION 194. Section 96B of chapter 41, as most recently amended by Chapter 333 of the Acts of 1994 is hereby further amended by striking out the second sentence in its entirety and inserting in place thereof the following new sentence:— The provisions of chapter thirty-one and any collective bargaining agreement notwithstanding, any person so attending such a school shall be deemed to be a student officer and shall be exempted from the provisions of chapter thirty-one and any collective bargaining agreement for that period during which he is assigned to a municipal police training school; provided that such person shall be paid the regular wages and other employee benefits provided for the position to which he was appointed and such reasonable expenses as may be determined by the appointing authority; provided further that the collective bargaining provision shall not apply to any person who receives an appointment to a position on a full time basis in which he will exercise police powers in the police department of the city of Boston."

The amendment was adopted.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 195. Section 60 of chapter 10 of the General Laws, as amended by chapter 490 of the Acts of 1993, is hereby further amended by striking out in the fourth sentence the words 'nineteen hundred and ninety-six' and inserting in place thereof the following:— nineteen hundred and ninety-eight."

The amendment was adopted.

Mr. Caron then moved that the bill be amended in section 2 by striking out item 8600-0001; and by inserting after item 8000-0040 the following item:

"8000-0050 For the administration of the committee on criminal justice 303,828".

The amendments were adopted.

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

"SECTION 196. Section 24 of chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended in line 363 by striking the words 'said department' and inserting in place thereof the following words:— the department of public health."

The amendment was adopted.

Mr. Lambert of Fall River then moved that the bill be amended in section 2, in item 7061-9611, by inserting after the word "program", in line 5, the words "; provided, that not less than two hundred and fifty thousand dollars shall be expended for a pilot program in the city of Fall River on preventing violence among youths"; and by
striking out, in lines 5 and 6 of said item, the words "two hundred thousands" and inserting in place thereof the following words "fifty thousand dollars".

The amendments were adopted.

There being no objection,—Messrs. Tolman of Boston and Honan of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 197. Section 9B of chapter 13 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:

(f) Any vacancies which arise in the membership of any of the various boards of registration, whether through expiration of a term, resignation, or otherwise, and which are not filled by the governor within six months following the date upon which such vacancy arises, shall be filled by a committee to be comprised of one representative each of the speaker of the house of representatives, the president of the senate, and the attorney general of the commonwealth."

The amendment was adopted.

Mr. Cahir of Bourne then moved that the bill be amended in section 2, in item 6005-0011, by striking out, in line 8, the words "the state's net cost of service for the" and inserting in place thereof the words "its operating expenditure for its".

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by adding at the end of item 6005-0015 the words "or any expenses arising from the provision of services required by the Americans with Disabilities Act". The amendment was adopted.

Mr. Cahir then moved that the bill be amended in section 2 by adding at the end of item 6005-0015, as amended, the words "; and provided further, the Massachusetts Association of Regional Transit Authorities shall investigate and prepare a plan to address the service needs of the residents of the communities within regional transit authority districts including but not limited to morning and evening services for workers using the system, decreasing the waiting periods between service runs, the inclusion of weekend service, the need to expand service for elderly and disabled riders and weekend and summer service on Cape Cod and the Berkshires; said plan shall include a schedule for implementing identified service needs and identification of funded sources for said services; said plan shall be filed with the House and Senate Committees on Transportation no later than May fifteenth, nineteen hundred and ninety-six."

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by adding at the end of item 9000-1920 the words "; provided however, that forty thousand dollars shall be made available to the Cape Cod Tourism Council for summer trolley service in Falmouth to be provided by the Cape Cod Regional Transit Authority"; and by striking out, in said item, the figures "4,522,000" and inserting in place thereof the figures "4,562,000".

The amendments were adopted.
Mr. Cahir then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 198. Section eighty-eight of Chapter two hundred and seventy-three of the Acts of nineteen hundred and ninety-four is hereby repealed.”.

The amendment was adopted.

There being no objection, — Messrs. DiPaola of Maiden and Giglio of Medford moved that the bill be amended in section 2, in item 2440-0010, by inserting after the word “commission”, in line 4, the following: “that the said commission include in its resurfacing schedule for the Spring/Summer of 1995 Fellsway East in Malden and the intersection of Fellsway East and Murray Hill Road”.

The amendment was adopted.

Mr. DiPaola then moved that the bill be amended in section 2, in item 2440-0010, by inserting after the word “commission”, in line 4, the following: “that an amount of $150,000 be expended for improvements to the building which houses ‘Club 24’ in Malden, a nonprofit substance abuse agency.”.

The amendment was adopted.

There being no objection, — Messrs. DiPaola of Maiden and Connolly of Everett moved that the bill be amended in section 2 by adding at the end of item 7000-9401, the following: “; provided that, an amount not less than $60,000 shall be expended to the Malden Public Library for the purpose of purchasing personal computers to have access to the Metro Boston Library Network”.

The amendment was adopted.

Mr. Turkington of Falmouth then moved that the bill be amended in section 2 by adding at the end of item 2511-4000 the words “; provided further, that not less that one hundred thousand dollars shall be expended as a grant to the Martha’s Vineyard Agricultural Society for assistance in the construction of an Agricultural Hall”.

The amendment was adopted.

Mr. Turkington of Falmouth then moved that the bill be amended in section 2 by adding at the end of item 0526-0100 the words “; provided, that said commission shall be directed to prepare and submit a report investigating the historical significance, structural condition, possible uses and proposals for funding the restoration of Highfield Hall in Falmouth on or before June thirtieth, nineteen hundred and ninety-six”.

The amendment was adopted.

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

“SECTION 199. The first paragraph of Section 9 of Chapter 15A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting in line 113 after the word ‘institutions’ the following: ‘; provided, however, insofar as the Massachusetts Maritime Academy is designated a regional maritime academy by the United States Maritime Administration, residents of the states comprising the designated region and attending the Massachusetts Maritime Academy shall be considered Massachusetts residents for the purposes of admission and tuition’.”.

The amendment was adopted.
Mr. Glodis of Worcester then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 200. Section 6 of Chapter 55 of the General Laws is hereby amended by striking out the fifth paragraph, as appearing in the 1992 Official Edition, and inserting in place thereof the following paragraph:

For the purposes of this section the term ‘personal use’ shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office, provided that said expenses are not otherwise paid, provided or reimbursed by the commonwealth or any other governmental body. Notwithstanding the foregoing sentence, allowances provided for by section 9B of chapter 3 shall not be deemed to be an expense paid, provided or reimbursed by the commonwealth or any other governmental unit.”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by adding at the end thereof the following fifteen sections:

"SECTION 201. Chapter 132 of the General Laws is hereby amended by striking out section 1A, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:

Section 1A. The bureau of forestry shall act for the commonwealth in suppressing the pests declared in section eleven to be public nuisances, and in accordance with the provisions of section thirteen of chapter twenty-one, shall perform such other duties imposed upon it by the commissioner. Said bureau shall keep a record of all expenditures made by or authorized by it, and shall prepare an annual report for the commissioner. Said bureau shall provide technical advice and consulting services to cities and towns in the development and implementation of public shade tree management plans and programs. Said bureau shall have the authority, with the approval of the commissioner and secretary of administration and finance to receive, administer and expend without further appropriation, in accordance with the provisions of section sixteen, any federal funds, state funds appropriated by the general court, and private funds that may be made available for the purpose of assisting cities and towns in the maintenance, care and management of their public shade trees.

SECTION 202. Section 4 of said chapter 132, as so appearing, is hereby amended by striking out, in line 2, the word ‘superintendent’ and inserting in place thereof the following word:— forester.

SECTION 203. Section 8 of said chapter 132, as so appearing, is hereby amended by striking out, in line 1, the words ‘superintendent, district supervisors, district superintendents and other employees and authorized agents of the bureau of shade tree management and pest control’ and inserting in place thereof the following words:— forester and other employees and authorized agents of the bureau of forestry.
SECTION 204. The first paragraph of section 11 of said chapter 132, as so appearing, is hereby amended by striking out, in line 1, the word 'superintendent' and inserting in place thereof the following word:— forester.

SECTION 205. The second paragraph of said section 11 of said chapter 132, as so appearing, is hereby amended by striking out, in lines 26 and 27, the words 'shade tree management and pest control' and inserting in place thereof the following word:— forestry.

SECTION 206. Section 12 of said chapter 132, as so appearing, is hereby amended by striking out, in line 1 and in lines 5 and 6, the word 'superintendent' and inserting an place thereof, in each instance, the following word:— forester.

SECTION 207. Said chapter 132 is hereby further amended by striking out section 12A, as so appearing and inserting in place thereof the following section:

Section 12A. All persons in charge of land under the control of the commonwealth, including in such terms of the metropolitan district commission, shall take measures on lands within their charge to suppress the public nuisances named in section eleven and shall use such lawful means of suppression as the chief forester, with the approval of the commissioner, may require, and shall carry out such requirements pursuant to the advice and direction of the chief forester, except that the bureau of forestry may, on the request of the agency in charge of said lands, carry out all the duties required by the chief forester in connection with control of the Dutch elm disease and the beetles which spread said disease.

SECTION 208. Section 13 of said chapter 132, as so appearing, is hereby amended by striking out, in line 14, the word 'superintendent' and inserting in place thereof the following word:— forester.

SECTION 209. Section 15 of said chapter 132, as so appearing, is hereby amended by striking out, in line 2, the word 'superintendent' and inserting in place thereof the following word:— forester.

SECTION 210. Section 16 of said chapter 132, as so appearing, is hereby amended by striking out, in lines 5, 14, 17, and in line 23, the word 'superintendent' and inserting in place thereof, in each instance, the word:— forester, — and by striking out, in lines 5 and 6, the words 'shade tree management and pest control' and inserting in place thereof the following word:— forestry.

SECTION 211. Section 26A of said chapter 132, as so appearing, is hereby amended by striking out, in line 1, the word 'superintendent' and inserting in place thereof the following word:— forester.

SECTION 212. Section 26D of said chapter 132, as so appearing, is hereby amended by striking out, in line 5, the word 'superintendent' and inserting in place thereof the following word:— forester.

SECTION 213. Section 26E of said chapter 132, as so appearing, is hereby amended by striking out, in line 2, the first time it appears, and in line 23, the word 'superintendent' and inserting in place thereof, in each instance, the following word:— forester.

SECTION 214. Section 26F of said chapter 132, as so appearing, is hereby amended by striking out, in line 26, the word 'superintendent' and inserting in place thereof the following word:— forester.
SECTION 215. Section 7A of chapter 132A of the General Laws, as amended by section 22 of chapter 182 of the acts of 1993, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:

The chief park ranger and park rangers appointed and employed by the department of environmental management, when appointed deputy environmental police officers, shall enforce all regulations promulgated pursuant to section four A of chapter twenty-one, and section seven of this chapter and section sixteen of chapter two hundred and seventy, shall search for lost or mission persons or department property, and shall assist the bureau of forestry in both suppression and detection of fires.”.

The amendment was adopted.

There being no objection, — Messrs. McIntyre of Bedford, Cabral of New Bedford and Koczera of New Bedford moved that the bill be amended by adding at the thereof of the following section:

SECTION 216. Chapter 6 of the General Laws, as amended by chapter 470 of the Acts of 1993, is hereby further amended by striking out sections 182B and 182C and inserting in place thereof the following two sections:—

Section 182B. The Schooner Ernestina commission is hereby authorized and empowered:

(a) to hold, administer, operate, preserve and maintain said vessel for educational or training purposes. Said vessel shall serve as the official vessel of the commonwealth and it may participate in tourism activities in cooperation advisory commission vacation travels;

(b) to authorize the vessel to ply the oceans, seas, and all navigable waters and to fly the flag of the commonwealth; provided, however, that said vessel shall not be used for commercial fishing;

(c) to charge fees or tuition to students, trainees, sailing cadets or others who are carried on voyages or trips for educational or training purposes;

(d) to charge fees to passengers for excursions and tours;

(e) to develop educational programs including exhibitions and dockside tours of the vessel and to charge and receive admission fees from the public for provisions of such services;

(f) to retain and expend without further appropriation any fees, tuitions, and revenues received under the provisions of clauses (c), (d) and (e). All monies retained and expended shall be reported to the secretary of administration and finance, the department of environmental management and the house and senate committees on ways and means;

(g) to receive and expend without further appropriation from both municipal and federal agencies, as well as private foundations, grants to support the operations, preservations and maintenance of said vessel and to receive and accept contributions from any source of either money, property, labor or other things of value, to be used for the purposes for which said grants and contributions may be made;
(h) to hire, as needed, professional staff to assist with the operation of the vessel;

(i) to contract out, with private and not for profit organizations, the operations and maintenance of the vessel;

(j) the commission is directed to establish fees and tuitions pursuant to clauses (c), (d), (e), and (f) at a level sufficient to ensure the continued operation, preservation and maintenance of the Schooner Ernestina. The commission is hereby further authorized and directed to establish a business and spending plan detailing revenues and expenditures by said commission which plan shall ensure the continued operation, preservation, and maintenance of the Schooner Ernestina. Said plan shall be filed annually on or before March first, to the state auditor, the secretary of administration and finance, the department of environmental management and the house and senate committees on ways and means.

Section 182C. The Schooner Ernestina commission shall have the technical and professional support of the department of environmental management and will work jointly with said agency so that operational and managerial responsibilities authorized and empowered to the commission herein follow applicable state laws, regulations and policies. The state auditor is hereby authorized and director to conduct an annual audit of the commission's books and accounts which audit shall be sent to the governor, the department of environmental management, the commissioner of the department of revenue and the house and senate committees on ways and means. Said audit shall be a public record. The home berth of the said vessel shall be in the port of the city of New Bedford.

The amendment was adopted.

Mr. McIntyre of New Bedford then moved that the bill be amended in section 2 by adding at the end of item 4000-0225 the words "provided, that two hundred thousand dollars shall be expended for the provision of operating support for community-based child care resource and referral programs that provide direct services to parents."

The amendment was adopted.

There being no objection, — Messrs. McIntyre of New Bedford, Kulik of Worthington, Koczera of New Bedford, Kafka of Sharon and Guerriero of Melrose moved that the bill be amended in section 2, in item 9110-1630, by striking out, in lines 7 to 13, inclusive, the words "by the executive office for reallocation, without further appropriation, to the home care corporations; provided further, that said revenues shall be expended by said corporations according to guidelines issued by the secretary that restrict their use to direct care services; provided further, that said guidelines shall establish a method for reallocating said revenues based on the proportionate number of elders served by each said corporation's home care program" and inserting in place thereof the words "by the individual home care corporations without reallocation by the executive office of elder affairs."

The amendment was adopted.
Mr. Turkington of Falmouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 217. Notwithstanding the provisions of section eighty-nine of chapter seventy-one of the General Laws, the Martha's Vineyard charter school shall not be required to give preference for enrollment to students who reside in the town in which said school is located."

The amendment was adopted.

Mr. Broadhurst of Methuen then moved that the vote be reconsidered by which the House, on Tuesday last, adopted an amendment offered by Mr. DeFilippi of West Springfield adding at the end thereof the following section:

"SECTION 176. Paragraph two of section twenty-one of chapter one hundred and sixty-one of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding at the end thereof the following:— The authority's liability in tort shall not exceed the amount of one hundred thousand dollars ($100,000) per person."

After debate on the motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call (Mr. Serra of Boston being in the Chair) 125 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 83 in Supplement.]

[Mr. Stoddart of Natick answered "Present" in response to his name.]

Therefore the motion to reconsider prevailed.

After debate on the recurring question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. DeFilippi of West Springfield; and on the roll call 14 members voted in the affirmative and 138 in the negative.

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

[Messrs. Locke of Wellesley, Marini of Hanson, Stoddart of Natick and Sullivan of Abington answered "Present" in response to their names.]

Therefore the amendment was rejected.

There being no objection,— Representatives Kraus of Kingston, Teagan of Plymouth and Sullivan of Abington moved that the bill be amended by adding at the end thereof the following three sections:

"SECTION 218. As used in this act, the following words shall have the following meanings:—

'commissioner', the commissioner of the division of capital planning and operations.

'project', the courthouse or courthouses to be constructed in the town of Plymouth upon the site for the purpose of providing courtrooms and administrative offices for the trial court, including district, probate and family, juvenile and housing departments.

'site', the parcel or parcels of land located within the town of Plymouth upon which the project shall be constructed.

SECTION 219. Notwithstanding the provisions of section forty E through forty I, inclusive, of chapter seven of the General Laws or
any other general or special law to the contrary, the commissioner is hereby authorized, subject to the requirements of this act, to acquire, by purchase, eminent domain pursuant to chapter seventy-nine of the General Laws, or otherwise, any and all interests in the land and buildings deemed necessary by said commissioner to construct and operate the project, including, but not limited to, all such interests deemed necessary to provide for utilities, environmental mitigation, and other purposes essential to the project.

SECTION 220. Notwithstanding the provisions of sections thirty-eight A½ to thirty-eight O, inclusive, of chapter seven of the General Laws, section thirty-nine M of chapter thirty of the General Laws, and section forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws, or any other general or special law regulating the design, construction, advertising or bidding of design and of construction contracts, or any other general or special law to the contrary, the commissioner may select and contract with a single contractor to provide design/build services for the design and construction of the project. The division of capital planning and operations shall develop procedures for procurement of design/build services in consultation with the office of the inspector general. Final procedures shall be submitted to the inspector general for comments at least thirty days prior to the solicitation of proposals for design or construction services. Such procedures and the inspector general’s comments shall be submitted to the governor, the senate president, the speaker of the house, and members of the general court by the division of capital planning and operations at least forty-five days prior to the execution of any contract for design or construction services.”.

Pending the question on adoption of the amendment, Mr. Miceli of Wilmington moved that the amendment be amended by adding at the end thereof the following three sections:

“SECTION 221. Notwithstanding the provisions of chapter one hundred and sixty of the General Laws or any other general laws or any other general or special law to the contrary, no railroad corporation including any locomotive engine operated by or on behalf of the Massachusetts Bay Transportation Authority, or any other railroad company using the Massachusetts Bay Transportation Authority commuter rail line routes shall permit a locomotive engine passing on its railroad in the town of Wilmington to sound whistles at any grade crossing which has the following safety features: flashing lights in each direction which are automatically activated by the approaching train; two gates, one on each side of the crossing, both of which are automatically lowered by the approaching train and both extended across approximately half the width of the lanes of traffic so that the entire width of the lanes of traffic is blocked when the gates are lowered; a bell that is automatically activated by the approaching train; overhead street lights; signs posted before the grade crossing in each direction warning motorists and pedestrians of the crossing ahead; posted speed limits for traffic of not more than forty miles per hour; and not more than two lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding the
provisions of this paragraph, a train shall be required to sound its whistle in the event of an emergency.

SECTION 222. The department of public utilities shall require that whistle markers on the railroad right of way on the approach to each crossing shall be replaced with bell markers within ninety days of the effective date of this act.

SECTION 223. The department of public utilities shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines in the town of Wilmington of the provisions of this act within thirty days of its effective date.”.

The further amendment was adopted.

The amendment offered by Mr. Kraus of Kingston, et als, as amended, then also was adopted.

The Speaker being in the Chair,— Mr. Angelo of Saugus and other members of the House moved, there being no objection, that the bill be amended by inserting after section 129 the following section:

“SECTION 129A. The director of the lottery commission shall, beginning July first, nineteen hundred and ninety-five, impose a moratorium on the issuance of licenses to operate the game known as Keno, implemented by said commission pursuant to section three hundred and eighty-seven of chapter one hundred and ten of the acts of nineteen hundred and ninety-three. Said moratorium shall expire on December thirty-first, nineteen hundred and ninety-five.”.

The amendment was adopted.

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

“SECTION 224. In conformity with Article XX of Part the First of the Constitution of the Commonwealth the application and operation of section eighty-nine of chapter seventy-one of the General Laws are hereby suspended until [A] July first, nineteen hundred and ninety-six.”.

After debate on the question on adoption of the amendment, Representatives Cleven of Chelmsford and Harkins of Needham moved, there being no objection, that the amendment be amended by striking out [at “A”] the words “July first, nineteen hundred and ninety-six” and inserting in place thereof the words “such time that the Commonwealth can provide full funding for the tuition of charter school students.”.

After debate on the question on adoption of the further amendment, Mr. Teague of Yarmouth asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 140 members were recorded as being in attendance.

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

Therefore a quorum was present.

After further 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. Greene of Billerica; and on the roll call 70 mem-
ers voted in the affirmative and 84 in the negative.

[See Yea and Nay No. 86 in Supplement.]

Therefore the further amendment was rejected.

On the question on adoption of the amendment offered by
Mr. Kaufman of Lexington, the sense of the House was taken by
yeas and nays, at the request of the same member; and on the roll
call 76 members voted in the affirmative and 78 in the negative.

[See Yea and Nay No. 87 in Supplement.]

Therefore the amendment was rejected. Mr. Petersen of
Marblehead 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. Jehlen of Somer-
ville; and on the roll call 63 members voted in the affirmative
and 89 in the negative.

[See Yea and Nay No. 88 in Supplement.]

Therefore the motion to reconsider was negatived.

Mr. Finneran of Boston then moved that the bill be amended by
adding at the end thereof the following three sections:

"SECTION 224. Section 4A of chapter 40 of the General Laws,
as most recently amended by section three hundred and sixty-nine of
chapter one hundred and thirty-three of the acts of 1992, is hereby
further amended by inserting in the last sentence of the first para-
graph, following the words ‘regional transit authorities established
under the provisions of chapter one hundred and sixty-one B’, the fol-
lowing words: ‘water and sewer commission established under the pro-
vision of chapter forty N or under the provision of a special law’.

SECTION 224A. Section 39H of chapter 40 of the General Laws,
as most recently amended by section one of chapter three hundred
and twenty, is hereby amended by inserting the word ‘administration’ before the
word ‘operation’ and deleting the words ‘the physical properties of’.

SECTION 224B. Section 8 of chapter 40 of the General Laws is
hereby amended by adding to paragraph (P) after the words ‘implied
in this chapter’ the following words:— ‘including entering into
agreements with other cities, towns or commissions or to provide for
the joint operation of public activities in accordance with section
four A of chapter forty’.

The amendment was adopted.

There being no objection,— Representatives Nagle of Northamp-
ton, Buell of Greenfield, Story of Amherst, Flavin of Easthampton
and Kulik of Worthington moved that the bill be amended in sec-
tion 2 by striking out item 0330-0400 and inserting in place thereof
the following item:

"0330-0400 For non-employee services performed by private
individuals and contracted agencies for the indi-
vidual court divisions of the trial court to be
expended as determined by the chief justice for
administration and management; provided, that
contracting for non-employee assigned interpretive services and contracting with agencies or providers for assigned interpretive services shall not give rise to enforceable legal rights in any party or an enforceable entitlement to interpretive services; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that not more than fifty thousand dollars shall be expended for the Hampshire/Franklin Court Appointed Special Advocates (CASA) Program. Said funds shall be for Guardian ad Litem services currently provided by CASA in the Northampton, Greenfield and Orange District Courts 9,968,760".

The amendment was adopted.

There being no objection,— Representative Hodgkins of Lee and other members of the House moved that the bill be amended in section 2 by striking out, in item 7035-0006, the figures "26,939,604" and inserting in place thereof the figures "40,780,708"; and after debate the amendment was rejected.

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

"SECTION 225. (a) There is hereby established a retirement incentive for certain higher education employees of the commonwealth eligible pursuant to the provisions of this section; provided, however, that this incentive shall only be available to the employees of each public institution of higher education if the board of trustees having charge of such institution agrees, by a recorded vote, to accept the provisions of this section. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, the state retirement board, established under the provisions of section eighteen of chapter ten of the General Laws, shall establish and implement said retirement incentive for higher education employees, hereinafter referred to as the retirement incentive program, in accordance with the provisions of this section; provided, that in order to be deemed eligible by said board for any of the benefit options under the retirement incentive program, an employee (i) shall be a higher education employee of the commonwealth on the effective date of this act, (ii) shall have been a member in active service of the state retirement system on July first, nineteen hundred and ninety-five, (iii) shall be classified in Group 1 or Group 2 of said retirement system in accordance with the provisions of paragraph (g) of subdivision (2) of section three of said chapter thirty-two, (iv) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five of said chapter thirty-two or of subdivision (1) of section ten of said chapter thirty-two upon the date of his written application with said board, and (v) shall have filed written application with said board in accordance with this section."
Said retirement incentive shall be available to not more than one thousand, five hundred full-time equivalent higher education employees and shall be allocated as follows: (1) not more than nine hundred full-time equivalent employees of the university of Massachusetts; provided that not more than fifty percent of said employees shall be faculty personnel, not more than twenty-five percent of said employees shall be administrative personnel, and not more than twenty-five percent of said employees shall be classified personnel; (2) not more than three hundred full-time equivalent employees of the state college system; provided, that not more than fifty percent of said employees shall be faculty personnel, not more than twenty-five percent of said employees shall be administrative personnel, and not more than twenty-five percent of said employees shall be classified personnel; (3) not more than three hundred full-time equivalent employees of the community college system; provided, that not more than fifty percent of said employees shall be faculty personnel, not more than twenty-five percent of said employees shall be administrative personnel, and not more than twenty-five percent of said employees shall be classified personnel; provided further, that the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service; provided, further, that said applications shall be delivered by mail. No employee shall be eligible for more than one of the incentives offered herein and no employee may become eligible for one incentive by virtue of the application of a different incentive.

For the purposes of this section, words shall have the same meaning as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. Any eligible employee who retires and receives any additional benefit in accordance with the provisions of this section shall be deemed to be retired for superannuation under the provisions of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two.

(b) Notwithstanding so much of the provisions of section five of chapter thirty-two of the General Laws that requires a retirement date within four months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this section, an eligible employee, shall file his application for retirement under the provisions of this section with the state retirement board after March fifteenth, nineteen hundred and ninety-six but no later than April fifteenth, nineteen hundred and ninety-six; provided, that the retirement date requested shall be May thirty-first, nineteen hundred and ninety-six; provided further, that the date requested by an employee under the provisions of this section shall be subject to approval by said employee’s appointing authority; provided, further, that such approval shall only relate to the choice of date by said employee.

(c) Any employee who is eligible for the retirement incentive program in accordance with the provisions of subsection (a) of this section
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may request in his application for retirement that the state retirement board credit him with an additional retirement benefit in accordance with the provisions of this section; provided, that each such employ-ee shall request and receive five years of creditable service or five years of age or a combination of years of creditable service and years of age, the sum of which shall not be greater than five years, for the purposes of determining his superannuation retirement allowance pursuant to the provisions of paragraph (a) of subdivision (2) of section five of chapter thirty-two of the General Laws.

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

(d) For any married employee who retires and receives an additional benefit under the retirement incentive program, an election of a retirement option under the provisions of section twelve of chapter thirty-two of the General Laws shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected, or (ii) the spouse has received notice of such election. If any member who is married files an election which is not so accompanied the state retirement board shall within fifteen days notify the member's spouse by registered mail of the option election, and the election shall not take effect until thirty days following the date on which such notification is sent, and such election may be changed by the member at any time within said thirty days, or at any other time permitted under said chapter thirty-two. Nothing in this section shall be deemed to affect the effective date of any retirement allowance, but in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than thirty days after the sending by the retirement board of the notice required hereunder.

(e) The state retirement board is hereby authorized and directed to collect and file a report on the following: (1) the number of employees who have retired from any public institution of higher education during each of the past four fiscal years and (2) the amount of retirement benefits, including the costs of health insurance, paid to said employees during each of the past four years. Based upon the historical information so collected and reported, the state retirement board shall develop an average for each institution of public higher education of the number of employees who would normally retire absent any retirement incentive plan in year nineteen hundred and ninety-seven and the average retirement costs, including the costs of health insurance, by institution for such employees in said fiscal year. For the purposes of this section the averages developed by the state retirement board shall be known as
‘base retirement costs’. All costs attributable to any employee of any institution of higher education who retires under the retirement incentive plan established by this section which exceed the base retirement costs as defined herein shall be referred to as ‘incremental retirement costs’. The state retirement board shall complete this study within thirty days of the effective date of this act and shall file such study with the chancellor of higher education, the state budget director, the secretary of administration and finance, the clerk of the senate and the house and senate committees on ways and means.

(f) All incremental retirement costs shall be paid out of the sums appropriated or otherwise made available to the several institutions of higher education for the fiscal year nineteen hundred and ninety-seven. The base retirement costs, as described in subsection (e), for fiscal year nineteen hundred and ninety-seven shall not be charged to the several institutions of higher education but shall be funded from the appropriate item of appropriation in section two of the general appropriations act for fiscal year nineteen hundred and ninety-seven. All costs associated with the payment of accrued vacation time, unused sick leave or any other severance payment, shall be paid from the sums appropriated or otherwise made available to the several institutions of higher education in the fiscal year nineteen hundred and ninety-seven. Any board of trustees which agrees to accept the provisions of this section shall not request nor receive any supplemental funding for the costs of the retirement incentive plan in fiscal year nineteen hundred and ninety-seven; provided further, that it is hereby declared to be the intention of the general court that any funding appropriated to the system of institutions in fiscal year nineteen hundred and ninety-seven which exceeds the amounts appropriated to said institutions in fiscal year nineteen hundred and ninety-six shall be for the purpose of enhancing academic programming and shall not be expended for any costs associated with the retirement incentive plan established herein; provided, that each board of trustees shall develop a management plan to implement the staffing reductions and chargeback costs associated with the retirement incentive plan in a manner which minimizes the impact of such reductions and chargebacks on student services; provided further, that such management plan shall be filed with the state budget director, the secretary of administration and finance and the house and senate committees on ways and means no later than April fifteenth, nineteen hundred and ninety-five.

(f) The state retirement board, established under the provisions of section eighteen of chapter ten, shall provide retirement counseling services to employees who choose to retire under the retirement incentive program. Said counseling shall include, but not be limited to, the following provisions: (i) the additional benefit options available under the retirement incentive program; (ii) the election of a retirement option under the provisions of section twelve of chapter thirty-two of the General Laws; (iii) restrictions on employment after retirement; (iv) the provision of health care benefits under the provisions of chapter thirty-two A of the General Laws; (v) the
payment of cost of living adjustments; and (vi) the effect of federal and state income taxation. Each such employee shall sign a sworn statement that he has received such counseling prior to the approval by the state retirement board of such employees’ application for superannuation retirement and additional benefits under said retirement incentive program.

(g) The commissioner of the public employee retirement administration, the executive director of the state retirement board, and the executive director of the group insurance commission, in consultation with the chairman of each board of trustees which agrees to accept the provisions of this section, shall analyze, study, and evaluate the incremental retirement costs attributable to the benefits payable under the early retirement incentive program. Upon completion of such study, and in no case later than August thirtieth, nineteen hundred and ninety-six, the executive director of the state retirement board shall certify in writing to the state budget director, the secretary of administration and finance, the comptroller, the joint committee on public service and the house and senate committees on ways and means the total incremental retirement costs associated with those eligible employees enrolled in the retirement incentive program. Said certification shall include a statement which delineates such incremental retirement costs by institution.

(h) Based upon the certification provided pursuant to subsection (g), the comptroller shall transfer to the general fund from items of appropriation made available to the several public institutions of higher education in section two of the general appropriations act for fiscal year nineteen hundred and ninety-seven the total fiscal year nineteen hundred and ninety-seven amount of incremental costs associated with those employees who retire pursuant to the provisions of this section; provided, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to also charge said items of appropriation for the incremental retirement costs of those employees who enroll in the early retirement incentive program who are compensated from nonappropriated funds and to transfer said charges to the general fund. The secretary of administration and finance may promulgate rules and regulations to implement the provisions of this subsection. Said secretary shall file monthly reports with the house and senate committees on ways and means detailing all actions taken pursuant to this section.

(i) The chancellor of higher education shall list each position which shall be made vacant by the retirement of an employee under the retirement incentive program and who shall be receiving an additional benefit in accordance with the provisions of this section and shall file such list with the joint committee on public service and the house and senate committees on ways and means on or before August thirty-first, nineteen hundred and ninety-six; provided, that for each such position, such list shall include the line item of section two the general appropriations act and any supplemental appropriations acts for fiscal year nineteen hundred and ninety-six in which
such position was funded, if any, the classification title of such position, the salary range for such title and the salary payable to the person who so retired from such position.

(j) Notwithstanding any general or special law to the contrary, institutions of higher education may refill positions made vacant due to participants in the early retirement program established by this section in accordance with an allocation plan promulgated by the higher education coordinating council in accordance with this subsection.

No position made vacant by the retirement of any employee under the retirement incentive plan shall be filled on a permanent or temporary basis and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacations, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account unless and until such position is included on a list of critical and essential positions filed with the senate and house committees on ways and means and approved by said house committee on ways and means; provided, that not more than seventy-five percent of such faculty positions may be refilled and that not more than fifty percent of administrative and classified positions may be refilled; provided, however, that said allocation plan filed by the higher education coordinating council shall distribute refill authorizations to the university of Massachusetts, the state colleges and the community colleges in proportion to the number of retirees from said categories within said institutions; provided, that no position which was vacant prior to December first, nineteen hundred and ninety-five may be filled without further appropriation for said purpose.”.

This amendment was adopted.

Ms. Chandler of Worcester moved that the bill be amended in section 2 by adding at the end of item 0337-0400 the words “; provided, however, not less than fifty thousand dollars shall be expended for advocacy services provided by volunteers from the CASA Project, Inc. for children involved in child abuse and neglect proceedings in said court and provided, further the first justice of said court shall pay over said funds in one payment in the first quarter of the fiscal year”; and by striking out, in said item, the figures “1,012,008” and inserting in place thereof the figures “1,062,008”.

On the question on adoption of the amendments, Mr. Naughton of Clinton asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 89 in Supplement.]

Therefore a quorum was present.

After remarks the amendments were adopted.
General Appropriation Bill.

There being no objection,— Representatives Hyland of Foxborough and Parente of Milford moved that the bill be amended in section 2, in item 4800-1111, by adding at the end thereof the following: "; provided that not less than five hundred seventy-nine thousand, seven hundred and ninety-nine dollars be expended for the provision of medical services for children being served by the department and their foster families by providing 13 full-time registered nurse positions at DSS so that every two area offices (of the 26 total) will have the support of a full-time RN". The amendment was adopted.

Mr. Scaccia of Boston then moved that the bill be amended in section 2 by inserting after item 0511-0230 the following item:

"0511-0235 The secretary of state is hereby authorized to receive compensation revenues from other state agencies including the judicial branch for the destruction of their obsolete records by the Records Center where appropriate. The state secretary is hereby authorized to expend revenues not to exceed one hundred thousand dollars from such funds received for the costs of such obsolete record destruction".

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by inserting after item 0334-0001 the following item:

"0334-0010 For the costs associated with storage and destruction of obsolete records 10,000".

The amendment was adopted.

There being no objection,— Representatives Khan of Newton, Cohen of Newton, Marzilli of Arlington, Kaprielian of Watertown, Mandile of Waltham and Gately of Waltham moved that the bill be amended in section 2 by adding at the end of item 2460-1000 the words "; and provided further, that no less than two hundred sixteen thousand five hundred dollars shall be added to this item to pay for a management program of aquatic non-native plants in the Charles River Lakes District, including treatment and monitoring".

The amendment was adopted.

There being no objection,— Representatives Menard of Somerset, Larkin of Pittsfield, Klimm of Barnstable and Cleven of Chelmsford moved that the bill be amended in section 2, in item 4513-1000, by striking out, in lines 5, 6, and 7 the words "that not less than one million four hundred thousand dollars shall be expended for rape prevention and victim services" and inserting in place thereof the words "that not less than two million one hundred fifty thousand dollars shall be expended for rape prevention and victim services".

The amendment was adopted.

Mrs. Menard of Somerset then moved that the bill be amended in section 2 by adding at the end of item 4513-1004 the words "; provided further, that the department shall fund not less than thirty-nine full time equivalent employees for the early intervention program"; and the amendment was adopted.
Mr. Hodgkins of Lee then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 226. Notwithstanding any law or regulation to the contrary for any teaching hospital in Health System Area I that was precluded from obtaining relief for a hospital agreement twenty-nine case mix exception because of the deadline imposed by section 80 of Chapter 23 of the Acts of 1988, the Rate Setting Commission shall adjust the hospital's nineteen hundred and eighty-seven total patient care costs for purposes of calculating the hospital's 1988 to 1991 non-medicare gross inpatient service revenue equal to the amount of the said case mix exception plus inflation. The Rate Setting Commission shall use the adjusted 1988 to 1991 non-medicare gross patient service revenue for purposes of calculating revenue compliance under Section 56 of Chapter 495 of the Acts of 1991."

The amendment was adopted.

There being no objection,—Mrs. Menard of Somerset and other members of the House moved that the bill be amended in section 2 by striking out item 0612-0100 and inserting in place thereof the following item:

"0612-0100 For the operation and administration of the state board of retirement; provided, that the state retirement board shall expend an amount not to exceed one hundred thousand dollars for the one-time costs associated with conducting an actuarial valuation report valuating the costs of providing an alternative retirement benefit for state and municipal public safety employees; provided, however, that the house and senate committees on ways and means and the joint committee on public service shall have reviewed and approved in advance the actuarial, economic, and demographic assumptions upon which said actuarial valuation report is based, and the manner and methodology used in the development of the actuarial valuation report; provided further, that the General Fund shall be reimbursed for the amount of this appropriation pursuant to clause (a) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws .............................................. 1,400,328".

The amendment was adopted.

Mr. Pedone of Worcester then moved that the bill be amended in section 2 by adding at the end of item 5046-0000 the words "; provided further, that said department shall take no action to reduce or realign the client population and services at the Worcester or Westboro state hospitals unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that said department shall limit alterations to staffing configurations at said hospitals to be consistent with said client population and service realignment; and provided further, that said department shall submit schedules and proposals for such
realignments and staffing alterations to the house and senate committees on ways and means no later than July thirty-first, nineteen hundred and ninety-five”.

The amendment was adopted.

There being no objection, — Representatives Buell of Greenfield and Kelly of Dalton moved that the bill be amended in section 2 by striking out item 0320-0003 and inserting in place thereof the following item:

“0320-0003 For the salaries and expenses of the supreme judicial court, provided that forty-six thousand five hundred dollars shall be made available for the judicial youth corporation program, so-called; provided further, that not less than one hundred thousand, four hundred and eight dollars of the amount appropriated herein shall be expended for the national center for state courts assessment; provided further, that fifty thousand dollars shall be made available for the franklin county futures lab task force court reform project; and provided further, that the supreme judicial court shall not charge the trial court for any assessments, services, educational training, or costs of any kind .................................................. 3,572,024”.

The amendment was adopted.

Recess.

At the hour of six o’clock P.M. (Wednesday, April 12), on motion of Ms. Buell of Greenfield (the Speaker being in the Chair), the House recessed until the hour of seven o’clock P.M.; and at nine minutes after seven o’clock the House was called to order with the Speaker in the Chair.

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

“SECTION 227. Section 13 of Chapter 354 of the acts of 1952 is hereby amended by adding the following:— provided, however, that property used or occupied for other than public purposes shall be taxed to the Authority pursuant to chapter fifty-nine of the General Laws.”

The amendment was adopted.

There being no objection, — Representatives Stanley of Merrimac and Cousins of Newburyport moved that the bill be amended in section 2 by striking out, in item 4510-0617, the figures “24,000” and inserting in place thereof the figures “50,000”.

The amendment was adopted.

There being no objection, — Messrs. Broadhurst of Methuen, Iannuccillo of Lawrence and Coon of Andover moved that the bill be amended in section 2 by inserting after item 0340-0395 the following item:

“0340-0396 For the Lawrence CASA advocate/guardian program .......................................................... 50,000”.

The amendment was adopted.
Mr. Fitzgerald of Boston then moved that the bill amended by adding at the end thereof the following section:

"SECTION 228. The Department of Public Health, in conjunction with child and family-serving agencies, shall conduct an annual child assessment as part of a 10 year child surveillance study on the impact of the public welfare system on the health and well-being of the children and youth (birth through age 18) of the Commonwealth. Said child health assessment shall include but not be limited to: the measurement and assessment of nutritional status (through height and weight measurement); birth outcomes status (especially birthweights); poverty status; school readiness status; and safety status (including injury prevalence rates and hospitalization rates) of the children and youth of the Commonwealth.

Said annual child health assessment statement shall be submitted to the House and Senate Ways and Means Committees, the Human Service Committee, the Health Care Committee, the Education Committee, and the Massachusetts Legislative Childrens’ Caucus by April 1 of each year.”.

The amendment was adopted.

There being no objection, — Messrs. Haley of Weymouth and Sullivan of Abington then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 229. Chapter 211D is hereby amended by inserting a new Section 2B.

Notwithstanding any other provision of law, the court may in its discretion treat any non-chapter 265 misdemeanor offense or violation of a municipal ordinance or bylaw as a civil infraction, upon oral motion by the office of the district attorney a person complained of for a civil infraction shall not be sentenced to any term of incarceration for said infraction, and shall not be entitled to the assistance of counsel.”.

The amendment was adopted.

There being no objection, — Messrs. Dempsey of Haverhill and Cousins of Newburyport moved that the bill be amended by adding at the end thereof the following section:

"SECTION 230. Section 10 of chapter 218 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the thirteenth paragraph and inserting in place thereof the following paragraph:

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court:

third district court of eastern Middlesex
district court of Lowell
first district court of southern Middlesex at Framingham
district court of Newburyport.”.

The amendment was adopted.
There being no objection,— Representatives Fox of Boston and Fitzgerald of Boston moved that the bill be amended in section 2 by striking out, in item 7515-0120, the figures "800,122" and inserting in place thereof the figures "1,000,000"; and the amendment was adopted.

There being no objection,— Mr. DiMasi of Boston then moved that the bill be amended in section 2, as amended, in item 0320-0003, by striking out, in lines 11, 12 and 13, the words "; and provided further, that the supreme judicial court shall not charge the trial court for any assessments, services, educational training, or costs of any kind".

The amendment was adopted.

There being no objection,— Mr. DiMasi then moved that the bill be amended in section 2 by adding at the end of item 0321-1502 the words "; investigators and social workers"; and in said item by striking out the figures "5,567,293" and inserting in place thereof the figures "5,967,293"; and in item 0321-1520 by striking out the figures "2,771,646" and inserting in place thereof the figures "2,371,646".

The amendments were adopted.

There being no objection,— Representatives Angelo of Saugus and Gray of Framingham moved that the bill be amended by inserting after section 21 the following section:

"SECTION 21A. Chapter 21 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out sections 2 and 2A and by inserting in place thereof the following new section:

Section 2. The department shall be under the control of the board which shall consist of nine members. Each member shall be appointed by the governor for a term of four years to commence on the date on which such appointment is made, except that the first members appointed by the governor to the board shall be appointed for the following terms: three members for a term of four years, three members for a term of three years, and three members for a term of two years. Any vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term vacated. No more than five members of said board shall be of the same political party, and no member may be reappointed for more than two consecutive terms.

Five of the nine members of said board shall be selected with due consideration to geographical distribution; provided, that, of said five members, one shall have experience and expertise in municipal fire detection and control, one member shall have experience and expertise as an arborist, one member shall be a representative of a labor organization whose interests and employment directly and continually relate to the scope and activity of the department, one member shall have expertise and experience as an environmental or regional planner, and one member shall have experience in passive recreational activities. Of the remaining four members to be chosen at-large, two shall be active members of a non-profit, community based organization which is directly affiliated with a department facility. The commissioner shall request each of the boards of trustees or directors of the Massachusetts Audubon Society, the
Massachusetts chapter of the Sierra Club, the Trustees of Reservations, and the Environmental League of Massachusetts to nominate three candidates each for the remaining two members of the board. The governor shall appoint the eighth and ninth members of the board from among the candidates recommended by the commissioner from the list of nominations provided by the aforementioned organizations. The governor shall make all appointments within sixty days of a vacancy.

The amendment was adopted.

Mr. Guerriero of Melrose moved that the bill be amended in section 2 by inserting after item 9110-9002 the following item:

“9110-9003 For the city of Melrose for the Milano Senior Center 50,000

The amendment was adopted.

Representatives Story of Amherst, Flavin of Easthampton, Kulik of Worthington and Landers of Palmer moved, there being no objection, that the bill be amended in section 2, in item 7070-0065, by striking out, in lines 5 and 6, the words “ten million” and inserting in place thereof the words “twelve million four hundred thousand”.

The amendment was adopted.

Ms. Story then moved that the bill be amended in section 2, in item 7061-9605, by inserting after the word “program” in line 7, the words “; provided further that not less than two hundred thousand be expended for the writing project at the University of Massachusetts at Amherst and Boston for the professional development of teachers”.

The amendment was adopted.

Representatives Klimm of Barnstable, Resor of Acton and Golden of Lowell moved, there being no objection, that the bill be amended in section 2, in item 4570-1500, by inserting after the word “program”; in line 3, the words “including not less than one million five hundred thousand dollars for the purposes of a scientific research grant program to investigate the potential environmental contributors of breast cancer in ‘areas of unique opportunity’ to examine such environmental components;”.

The amendment was adopted.

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

“SECTION 231. Notwithstanding the provisions of section sixty of chapter twenty-nine of the General Laws or any other general or special law to the contrary, the governor and council are hereby authorized and directed to order the state treasurer to issue to Francis Maioli a registered duplicate of mini-bond series P, number MB-1348 without requiring said Francis Maioli to give a bond of indemnity and save harmless from any claim on account of said bond.”

The amendment was adopted.

Mr. Klimm then moved that the bill be amended in section 2, in item 3222-9024, by adding at the end thereof the words “; provided further that the Executive Office of Communities and Development shall establish and maintain a databank including the names, addresses [A] and other pertinent information supplied by any regional or municipal housing authority, including information
relative to the non-payment of rent and abuse of property; and pro-
vided further that said database shall be accessible to all housing
authorities.”

Pending the question on adoption of the amendment, Mr. Teague
of Yarmouth moved that the amendment be amended by inserting
after the word “addresses” [at ‘A’] the words “, social security num-
bers”; and the further amendment was adopted.

The amendment offered by Mr. Klimm, as amended, then also
was adopted.

There being no objection.— Messrs. Fagan of Taunton and
Flaherty of Cambridge moved that the bill be amended in section 90
by striking out the paragraph contained in lines 4 to 9, inclusive, and
inserting in place thereof the following paragraph:—

“The salaries of the clerks in the superior court shall be seventy-
five and forty-seven hundredths percent of the salary of the chief jus-
tice of said department and shall, subject to appropriation, be paid by
the commonwealth. The salaries of the first assistant clerks of the
superior court division shall be eighty-three and one-half percent of the
salaries of the clerks of said division, subject to appropriation, to be
paid by the commonwealth. The salaries of the assistant clerks in said
department shall be seventy-seven percent of the salary of said clerks
and shall, subject to appropriation, be paid by the commonwealth.”

The amendment was adopted.

Mr. Dempsey of Haverhill and other members of the House then
moved, there being no objection, that the bill be amended in
section 2, in item 9110-1630, by adding at the end thereof the fol-
lowing: “; provided, further, that notwithstanding the provisions of
any general or special law to the contrary, the secretary is hereby
authorized to transfer not more than three percent of the funds
appropriated herein to item 9110-1633 for the administration
of home care corporations or case management services”; and in
item 9110-1633 by adding at the end thereof the following: “; pro-
vided further, that notwithstanding the provisions of any general or
special law to the contrary, the secretary is hereby authorized to
transfer not more than three percent of the funds appropriated herein
to item 9110-1630 for the direct purchase of home care, home health
or related services”.

The amendments were adopted.

There being no objection,— Messrs. DeLeo of Winthrop and
McIntyre of New Bedford then moved that the bill be amended in
section 2 by inserting after item 0330-0317 the following item:

“0330-0320 For a program of alternative dispute resolution in
the Trial court to carry out the responsibilities set
forth in General Laws chapter 211B, section 19
and under the Trial Court Policy Statement on
Dispute Resolution Alternatives ........................................ 50,000”.

The amendment was adopted.
Mr. Teague of Yarmouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 232. Section 1 of chapter 6B, as appearing in the 1992 Official Edition of the Massachusetts General Laws, is hereby amended by inserting after the word 'care', in line 36, the following new clause:

'Division', the division of medical assistance established under section sixteen A of chapter six A."

The amendment was adopted.

There being no objection,— Messrs. Koczera of New Bedford and Lambert of Fall River moved that the bill be amended in section 2 by striking out, in item 9000-1820, the figures "747,203" and inserting in place thereof the figures "896,364"; and by striking out, in item 9000-2105, the figures "750,000" and inserting in place thereof the figures "600,839". The amendments were adopted.

Mr. Marzilli of Arlington then moved that the bill be amended by adding at the end thereof the following three sections:

"SECTION 233. Section 1 of chapter 60A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting in line 41, after the word 'use', the following words:— including, but not limited to, domicile use.

SECTION 234. Said section 1 of said chapter 60A, as so appearing, is hereby further amended by inserting after line 59, the following paragraph:—

Any dealer who violates the provisions of this section shall be punished as follows: for a first offense, a fine of one thousand dollars and a thirty day suspension of plate; for a second offense, a fine of two thousand dollars and a sixty day suspension of all plates; and for a third offense, a fine of three thousand dollars and permanent revocation of all plates. Law enforcement personnel of the commonwealth or the police of the city or town, or the assessors(s) of the city or town in which the violation occurs shall immediately seize the plate. The registry shall promulgate rules and regulations that will provide violators notice and an opportunity to be heard within ten working days of the seizure of said plates.

SECTION 235. Paragraph (b) of section 5 of chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding at the end thereof the following:—

Dealer plates shall be used solely in conjunction with the sale, resale or transportation of a motor vehicle or trailer during the course of business. Dealer registration plates are not transferrable, and shall not be loaned or duplicated for any purpose. Individuals who duplicate a lost or stolen plate shall be in violation of this section. Dealer registration plates shall not be used for the personal or domicile use of the dealer, nor for the personal or domicile use of his employees or his immediate family. Dealer registration plates shall not be issued to a person principally or substantially engaged in the transportation, sale, resale or installation of new or used automobile or trailer parts, frames, chassis, engines, glass, tires or similar equipment."

The amendment was adopted.
Mr. Teague of Yarmouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 236. Section 9 of chapter 71B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting at the end thereof the following new sentence:— The department shall not require any state or county prison or correctional facility to provide special education under this chapter to any inmates."

After debate on the question on adoption of the amendment (Mr. Serra of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Teague; and on the roll call 34 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 90 in Supplement.]

Therefore the amendment was rejected.

Mrs. Menard of Somerset and other members of the House moved, there being no objection, that the bill be amended in section 2, in item 4800-1400, by adding at the end thereof the words "; provided that all existing provider contracts be funded prior to the expansion or development of any new service contracts".

The amendment was adopted.

Mr. Murphy of Springfield then moved that the bill be amended by striking out section 68.

The amendment was adopted.

Mrs. Lewis of Bridgewater then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 236. Section 2, subsection (D), paragraph (d) of Chapter 18 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended in line 123, by inserting after the word ‘available’ the words:— ; provided that no person be placed in a hotel or motel unless said person is made homeless by natural disaster, sheriff’s eviction, or is a victim of domestic violence.”.

The amendment was adopted.

Mr. Quinn of Dartmouth then moved that the bill be amended in section 2, in item 0340-0900, by adding at the end thereof the following: “provided that no less than $50,000 (fifty thousand dollars) will be expended to study the potential impact on the criminal justice system in Bristol County by the proposed Wampanoag Entertainment Center”; and by striking out, in said item, the figures "3,361,497" and inserting in place thereof the figures "3,422,997".

The amendments were adopted.

There being no objection,— Messrs. Quinn of Dartmouth and Straus of Mattapoisett moved that the bill be amended in section 2, in item 2330-0100, by adding at the end thereof the following: “; provided further that no less than $50,000 (fifty thousand dollars) be expended to study the feasibility and cost of vessel buy-back program in the commercial fishing industry”.

The amendment was adopted.

There being no objection,— Representatives Evans of Wayland and Slattery of Peabody moved that the bill be amended in section 2, in item 6005-0011, by adding at the end thereof the words “; and
providing further that the total cost of service for the MBTA for the fiscal year ending June thirtieth, nineteen hundred and ninety-six shall be reduced by six million seven hundred fourteen thousand eight hundred and seventy-three dollars; and providing further that the unserved communities, so called, of Ashland, Cohasset, Dover, Duxbury, Hanover, Hull, Lynnfield, Marshfield, Medfield, Middleton, Millis, N. Reading, Norwell, Peabody, Pembroke, Rockland, Scituate, Sherborn, Stoneham, Sudbury, Topsfield, Wayland and Wenham shall be exempted from further community assessment to the MBTA budget [A] until and unless they shall have direct MBTA service”.

Pending the question on adoption of the amendment, Ms. Evans moved that the amendment be amended by striking after the word “budget” [at “A”], the words “until and unless they shall have direct M.B.T.A. service” and inserting in place thereof the following “until the results of the special commission of M.B.T.A. funding are implemented”; and after remarks the further amendment was adopted.

The amendment, as amended, then was rejected.

There being no objection,— Representatives Evans of Wayland, Paulsen of Belmont and Jehlen of Somerville moved that the bill be amended in section 2, in item 0321-1667, by inserting after the word “item;”, in line 12, the words “provided further that not less than fifty thousand dollars be expended for the purposes of the expenses and salaries of a pilot domestic violence advocate program in the probate and family courts and the district courts of Middlesex county;”.

The amendment was adopted.

Mr. Kelly of Dalton then moved that the bill be amended in section 2, in item 3100-0200, as amended, by inserting after the word “employees”, in line 8, the words “; provided further, that twenty-two thousand six hundred and fifty-four dollars be expended to reimburse the town of Becket for mud control during a declared state of emergency; and provided further, that twenty-four thousand two hundred and twenty-six dollars be expended to reimburse the town of Chester for mud control during a declared state of emergency”.

The amendment was adopted.

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

“SECTION 237. The state treasurer is hereby authorized to annually deposit in banks licensed by the commonwealth an amount not to exceed five million dollars in the aggregate, at an interest rate no lower than two percent below the rate of return otherwise available as determined by said state treasurer. Monies so deposited shall be used to provide below market interest loans to agricultural enterprises in the commonwealth. The commissioner of the department of food and agriculture shall assist the treasurer in carrying out this section. For the purposes of this section, ‘agricultural enterprises’ means a business involving cultivating soil, producing agricultural commodities and raising livestock or their by-products. The commissioner of the department of food and agriculture is hereby authorized to promulgate rules and regulations to carry out the purposes of this section.”.

After debate the amendment was rejected.
The Speaker then interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of ten o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll call 122 members voted in the affirmative and 32 in the negative.

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

Therefore Rule 1A was suspended.

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

"SECTION 237. The Massachusetts Bay Transportation Authority, in conjunction with the Executive Office of Administration and Finance, is authorized and directed to study the feasibility of implementing on or before the first day of January of the Year One Thousand Nine Hundred and Ninety-Six, a 'distance traveled, prepayment based fare system' to be utilized on and in conjunction with all Massachusetts Bay Transportation Authority light rail, rapid transit, and local bus lines. The aforementioned fare system to be studied shall include the following features; (1) the ability to except a stored value card or ticket that will utilize a magnetic encoding strip that can store any value from a single fare, up to a maximum value of one hundred dollars; (2) the ability to deduct the appropriate fare from the value of the card or ticket, and then the remaining value, if any, shall be encoded onto the magnetic strip of the ticket, also, the remaining stored value of the ticket shall be printed upon a side of the card or ticket each time the user passes the card or ticket through the reader at a turnstile; (3) the ability to purchase a stored value card or ticket through vending machines which shall be in all light rail and rapid transit stations, the vending machines shall accept as payment for a stored value card or ticket: nickel, dime, and quarter coinage, and one, five, ten and twenty dollar bills, as well as credit and debit cards, and stored value cards that still have a remaining value; (4) the ability to increase and decrease fares throughout the day in accordance with peak hours of usage."

The amendment was adopted.

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

"SECTION 238. The departments of mental retardation, public health, and education are hereby authorized to establish three regional pilot projects to develop flexible, coordinated, and substantially family-driven networks of support for families with children of school age or younger with developmental disabilities or chronic illness. The primary goal of these projects shall be the avoidance of out-of-home placements. Where appropriate, as the projects mature, other agencies within the secretariat of health and human services may be included.

The pilot project shall provide increased opportunities for families to direct, oversee, and choose the development of supports to be
offered by the participating departments and provider agencies. The projects shall maximize the degree of collaboration among the various agencies to offer families a unified, seamless support system and to ensure a model that offers supports tailored to fit individual families' needs. Each project shall include extensive input from family advocacy groups as well as potential individual family participants.

The pilot projects shall go beyond existing inter-agency collaboration and demonstrate new collaboration among public agencies, private entities, and families; to increase access to services, coordinated resources, and referrals; to offer more effective support to those with disabilities; and to provide technical assistance and outreach to families, providers and generic community services regarding the intent of the various pilot projects. For each pilot project, the participating departments shall enter into a memorandum of understanding outlining their responsibilities. For the purpose of this initiative, the department of mental retardation shall be the lead agency.

The pilot projects shall not exceed currently available departmental resources.

Participating departments shall collaborate to conduct a year-end evaluation of the three pilot projects. The results of this evaluation will assist in the development of interagency policies and procedures that would serve as a basis to formalize the process by which agencies interface with families and with each other. The year-end report shall be forwarded by September fifteenth, nineteen hundred and ninety-six to the house and senate committees on ways and means, the secretary of administration and finance, the secretary of the executive office of health and human services and the commissioners of the departments of mental retardation, public health, and education. In addition, results will be shared with a variety of family support organizations.

The amendment was adopted.

There being no objection,— Representatives Buell of Greenfield, Rushing of Boston, Demakis of Boston and Flaherty of Cambridge moved that the bill be amended in section 2, in item 4512-0103, by adding at the end thereof the words "; and provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year nineteen hundred and ninety-six in excess of the number of units funded on June first, nineteen hundred and ninety-five"; and by striking out, in said item, the figures "37,103,906" and inserting in place thereof the figures "38,103,906".

The amendments were adopted.

Mr. Kollios of Millbury then moved that the bill be amended in section 2, in item 4401-1000, by striking out, in lines 10, 11 and 12, the words "provided further, that the department shall seek all federal waivers necessary to eliminate transportation services"; and the amendment was adopted.

Mr. Kollios then moved that the bill be amended in section 2, in item 4130-0005, by striking out, the figures "5,379,781" and inserting in place thereof the figures "5,479,781".

The amendment was adopted.
Mr. Kollios then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 239. Chapter 19C of the General Laws is hereby amended by adding the following section: —

Section 13. Reports of death. Upon the death of any disabled person whose caretaker was a state agency or an agency of any subdivision of the commonwealth or a private agency contracting with the commonwealth, said caretaker agency shall immediately orally notify the commission and local law enforcement officials of such death, and shall forward to the commission and local law enforcement officials a written report of such death within twenty-four hours of the death. Said report shall contain the name of the disabled person, the name of the facility in which that person resided, and the facts and circumstances of the death. The commission shall take all appropriate measures regarding the report pursuant to its authority under this chapter, including investigating the death, and shall determine whether the cause of death is related to abuse. If it is determined that the death is related to abuse, the commission shall conduct further investigation, or shall oversee further investigation, pursuant to the provisions of this chapter.

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by striking out, in item 4120-4000, the figures "3,556,155" and inserting in place thereof the figures "3,684,979". The amendment was adopted.

There being no objection,— Messrs. Kollios of Millbury, DiPaola of Malden and Dempsey of Haverhill moved that the bill be amended in section 2 by adding at the end of item 4000-0600 the words "; provided further that the division shall pay to reserve the bed in a nursing facility of any medical assistance recipient who is a nursing facility resident who has been transferred to an inpatient hospital for up to ten consecutive days. The division shall pay for temporary absences for recipients in nursing facilities (and units) for up to a total of fifteen days per calendar year when the recipient is absent from the facility for nonmedical reasons".

The amendment was adopted.

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

"SECTION 240. The department of transitional assistance, the department of environmental management and the department of employment and training are hereby authorized to develop a training and employment program for A.F.D.C. recipients. Costs that are incurred by the department of environmental management to implement said program shall be reimbursed through interagency service agreements and the department of environmental management is hereby designated as the seller agency for said program purposes.

The amendment was adopted.

There being no objection,— Representatives Harkins of Needham, Richie of Boston, Brett of Boston, Fitzgerald of Boston and Goguen of Fitchburg moved that the bill be amended in
section 2 by striking out, in item 3143-2027, the figures “250,000” and inserting in place thereof the figures “700,000”. The amendment was adopted.

Mrs. Harkins then moved that the bill be amended in section 2 by striking out item 3322-9027 and inserting in place thereof the following item:

“For the state housing assistance for rental production (SHARP) program, for contracts with sponsors of rental housing projects, financed through the Massachusetts housing finance agency established pursuant to chapter seven hundred and eight of the acts of nineteen hundred and sixty-six, in the form of a loan by the commonwealth to facilitate the construction or rehabilitation of rental housing projects pursuant to the provisions of section seven of chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-three; provided, that notwithstanding the provisions of section twenty-seven of chapter twenty-three B or sections twenty-six and twenty-seven of chapter twenty-nine of the General Laws to the contrary, the executive office of communities and development is hereby authorized to enter into such contracts for terms not exceeding fifteen years with annual payment obligations not to exceed thirty million one hundred and six thousand five hundred fifty-five dollars; provided further, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year nineteen hundred and ninety-six for said fiscal year or any subsequent fiscal years... 30,106,555”.

After remarks the amendment was adopted.

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

“SECTION 241. The governor or his designee and the auditor or his designee shall consult and shall jointly select and contract with a private entity for the purpose of conducting an independent evaluation of the limited benefit program and the transitional assistance program established by Chapter 5 of the Acts of nineteen hundred and ninety-five.

Said evaluation shall include, but not be limited to:

(a) a determination of the direct and indirect costs of said programs to the commonwealth, including any increase or decrease over present cost;

(b) the wage and compensation levels of participants in said programs as compared to their present benefits;

(c) a breakdown of the number of private sector jobs and community service jobs provided;

(d) the number and percentage of participants receiving health insurance from the private sector;
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(e) the effect on the quality of care for minor dependents of program participants.”.

The amendment was adopted.

Mr. Sullivan of Abington then moved that the bill be amended in section 97 by adding at the end thereof the following sentence: “Notwithstanding any general or special law to the contrary or any provision of this section, a municipality or sewer district which receives funding and/or grants under the Sewer Rate Relief Fund may apply said funds to said municipalities sewer related debt and/or debt exclusion.”.

The amendment was adopted.

There being no objection,— Representatives Rushing of Boston, Fox of Boston and Flaherty of Cambridge moved that the bill be amended in section 2 by inserting after item 3143-3036 the following item:

“For the urban initiative fund, a loan and program for inner-city neighborhoods, for the purposes of education, job training, business development, health care, day care, youth activities, including athletic and recreation programs, violence and crime prevention, and housing; provided, that not less than forty thousand dollars of the amount appropriated herein shall be expended as a grant to the planned learned achievement for youth program; provided further, that said urban initiative fund shall be administered by the community development finance corporation pursuant to section one hundred and thirty-seven of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two 1,000,000; and by striking out, in item 8900-0001, the figures “226,608,034” and inserting in place thereof the figures “229,996,984”.

The amendments were adopted.

Mr. Cabral of New Bedford then moved that the bill be amended by inserting after section 64A (inserted by amendment) the following section:

“SECTION 64B. The third paragraph in subsection (d) of section 47 of Chapter 94C of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking the third sentence and inserting in place thereof the following sentence:— The district attorney or attorney general shall expend at least ten percent of the monies and proceeds for drug rehabilitation, drug education and other anti-drug or neighborhood crime watch programs which further law enforcement purposes.”.

The amendment was adopted.

There being no objection,— Messrs. Cabral of New Bedford, McIntyre of New Bedford, Koczera of New Bedford and Verga of Gloucester moved that the bill be amended in section 2 by adding at the end of item 9000-1805 the words “; and provided further, that the Secretary of the Executive Office of Economic Affairs is hereby authorized to expend a sum of one hundred thousand dollars, for the
purpose of matching grants to applicants receiving federal funding for a micro-enterprise peer lending program known as Working Capital to develop alternative employment opportunities for persons dependent on income derived from fishing or fishing related occupations in the communities of New Bedford and Cape Ann. Such funds will be extended to Working Capital of Cambridge provided that matching funds can be leveraged from public and private sources”.

The amendment was adopted.

Mr. Larkin of Pittsfield then moved that the bill be amended in section 2 by adding at the end of item 4800-0017, as amended, the words “; provided, that the department shall expend a sum not less than forty thousand dollars in region I for a community-based family unification counselling program that will prevent juvenile delinquency”. The amendment was adopted.

There being no objection,— Messrs. Larkin of Pittsfield and Bosley of North Adams moved that the bill be amended in section 2 by adding at the end of item 4530-9000, as amended, the words “; provided, that a sum of not less than one hundred thousand dollars shall be allocated and expended for such plans and programs in Berkshire County”.

The amendment was adopted.

Mr. Herren of Fall River then moved that the bill be amended in section 2 by inserting after item 3743-2033 the following item:

“3745-1000 For the expenses of a program of supplemental energy assistance for low-income elders and families to be administered in accordance with the Low-Income Home Energy Assistance Act of nineteen hundred and eighty-one, as amended; provided that notwithstanding the provisions of any general or special law to the contrary, funds expended for said program of supplemental energy assistance for low-income elders and families shall not be subject to federal reimbursement 300,000”.

The amendment was adopted.

There being no objection,— Messrs. Larkin of Pittsfield and Bosley of North Adams moved that the bill be amended in section 3A by striking out, in item 7502-0100, the figures “155.11” and inserting in place thereof the figures “174.00”.

Pending the question on adoption of the amendment, Messrs. Scibelli of Springfield and Petrolati of Ludlow moved, there being no objection, that the amendment be amended by striking out, in item 7514-0100, the figures “377.35” and inserting in place thereof the figures “402.00”; and the further amendment was adopted.

The amendment offered by Messrs. Larkin and Bosley, as amended, then also was adopted.

Mr. Bosley of North Adams then moved that the bill be amended by inserting after section 129A (inserted by amendment) the following section:

“SECTION 129B. Notwithstanding any general or special law to the contrary, the water pollution abatement trust, established under the provisions of chapter twenty-nine C of the General Laws, shall
make loans and grants to the city of North Adams for the construction of water treatment projects, as defined pursuant to section twenty of chapter two hundred and seventy-five of the acts of nineteen hundred and eighty-nine, which projects have received an approval from the department of environmental protection prior to July first, nineteen hundred and ninety-five, such that the total financial assistance proved to said city is the financial equivalent of a grant of fifty percent of the eligible costs thereof as determined by said department. The commonwealth shall provide contract assistance to said trust pursuant to section six A of said chapter twenty-nine C and shall appropriate to said trust, in each fiscal year of the commonwealth as provided in said section six A, the cost to the trust of making any grant or loan, pursuant to this section, which is in excess of a financial equivalent of a grant of twenty-five percent of eligible costs.

Section 21 of Chapter 275, as most recently amended by chapter 203 of the acts of nineteen hundred and ninety-two, is hereby further amended by adding in line two after the word 'sixteen' the words 'and twenty'."

The amendment was adopted.

Mr. Bosley then moved that the bill be amended in section 2, in item 7061-9617, by inserting after the word "Lawrence", in line 2, the words ",, North Adams"; and the amendment was adopted.

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

"SECTION 242. Pursuant to this section the Department of Environmental Protection shall undertake a study of the costs and relative benefits of the implementation of the so-called Title V regulations for subterranean septage disposal. Said department shall report the findings of said study to the House and Senate by a date no later than six months following the enactment of this act."

The amendment was adopted.

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

"SECTION 243. Chapter 231, section 6B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding, in line 1, after the word 'action', the following phrase 'including maritime cases brought pursuant to the Savings to Suitors clause of the Constitution of the United States'."

The amendment was adopted.

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

"SECTION 244. Salem State College is hereby authorized to establish, in the city of Gloucester, an Aquaculture Development Center. Said center shall be established for the purpose of assisting private enterprise in the creation, maintenance and expansion of aquaculture projects, both at sea and on land. Said center shall also be authorized to establish experimental sites throughout Essex County in order to achieve its mission.

Said Aquaculture Center shall also be established for the purpose of educating, in conjunction with the Essex County Agricultural and
Technical Institute, and, to the greatest extent possible, all school systems within Essex County, students in the secondary, post-secondary and graduate levels, in these skills, technologies and sciences relevant to the creation and maintenance of a commercial aquaculture industry in Northeastern Massachusetts and throughout the Commonwealth."

The amendment was adopted.

There being no objection.— Representatives Dempsey of Haverhill and Stanley of Merrimac moved that the bill be amended in section 2 by inserting after item 9081-0400 the following item:

"9081-0401 For the summer night's program in the city of Haverhill........................................... 25,000".

The amendment was adopted.

There being no objection.— Messrs. Casey of Winchester, Guerriero of Melrose and McDonough of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 245. Section 2 of Chapter 92B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking paragraph four and inserting in place thereof the following:—

The Corporation shall be governed and its corporate powers exercised by the board, which shall consist of fifteen members appointed by the governor in the following manner: one member chosen from a list of three names submitted by the board of directors of the society; two chosen from a list of six names, three names submitted by the Grove Hall Board of Trade, and three names submitted by the Friends of Franklin Park Zoo; two chosen from a list of six names, three names submitted by the Middlesex Fells Zoological Society, and three names submitted by the Stoneham Board of Selectmen; and nine other members representing the Commonwealth's business, corporate, philanthropic and educational communities. The foregoing members shall be appointed for terms of not less than one year and not more than four years as determined by the governor. Upon expiration of the initial appointment, the governor shall appoint members to four year terms. The commissioner or his designee, shall serve ex-officio, and shall have full voting privileges.".

The amendment was adopted.

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

"SECTION 246. Notwithstanding any special or general laws to the contrary, the Executive Office of Administration and Finance is hereby authorized to establish and allow a new position within the Department of State Police for the purpose of directing the behavioral sciences unit.".

The amendment was adopted.

Mr. Casey then moved that the bill be amended in section 2, in item 8100-0000, by inserting after the word "division;", in line 11, the words "provided further, that the department may establish a behavioral sciences unit by September first, nineteen hundred and ninety-six, for the purpose of, but not limited to, psychological testing of police recruits, stress management for department employees,
and psychological record maintenance. The department may provide
fifty thousand dollars in fiscal year nineteen hundred and ninety-six
for the position of director of said unit”.

The amendment was adopted.

Ms. Gardner of Holliston then moved that the bill be amended
in section 2 by adding at the end of item 7032-0500 the words “; provided that no less than two hundred fifty thousand dollars shall be expended for teen dating violence prevention”. The amendment was adopted.

Mr. Reinstein of Revere then moved that the bill be amended
in section 2 by striking out, in item 0321-2205, the figures “1,080,800” and inserting in place thereof the figures “1,180,800”.

The amendment was adopted.

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

“SECTION 247. There is hereby created a special commission to
investigate the Commonwealth’s response to changing conditions in
the utility sector of the Massachusetts economy. The scope of the
commission’s inquiry shall include, but not be limited to, state and
federal regulatory laws and policies; structural forces resulting in
takeovers, mergers, and acquisitions involving utility companies;
delivery services and consumer related issues; and employment and
environmental issues. The commission shall be comprised of the
House and Senate Chairpersons of the Joint Energy and Government
Regulations Committees; two representatives of the utility industries
of Massachusetts to be appointed by the Governor; three representa-
tives of organized labor in the utility sector be selected by the
Massachusetts Alliance of Utility Unions, AFL-CIO; three represen-
tatives of consumers to be appointed by the Governor, one of whom
shall represent industrial consumers, one of whom shall represent
small business consumers, and one of whom shall represent residen-
tial consumers; a representative to be selected by the Conservation
Law Foundation; a representative of the Department of Public
Utilities; a representative of the municipal power companies to be
chosen by the Northeast Power Association; a representative of the
Attorney General; and a representative of independent power pro-
ducers to be chosen by the Governor.

Said commission shall report recommended changes to state and
regional policies to the clerks of the House and Senate on or before
April fifteenth, nineteen hundred and ninety-six”.

The amendment was adopted.

Mr. Sullivan of Abington then moved that the bill be amended by
striking out section 126 and inserting in place thereof the following
section:

“SECTION 126. Part (2) of paragraph (a) of Section 2 of Chap-
ter 62 of the General Laws, as amended by Section 390 of Chapter 133
of the Acts of 1992, is hereby further amended by adding the follow-
ing subparagraph:

(l) Income from any retirement pay received from the United
States Government by Armed Services Members.
The provisions of this act shall apply to taxable years commencing on or after January first, nineteen hundred and ninety-five."

After debate the amendment was rejected.

Recess.

At sixteen minutes before twelve o'clock midnight (Wednesday, April 12), on motion of Mrs. Menard of Somerset (the Speaker being in the Chair), the House recessed until the hour of twelve o'clock noon on Thursday, April 13; and at that time the House was called to order with the Speaker in the Chair.

Thursday, April 13, 1995 (at 12:00 o'clock noon).

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

Eternal God of Infinite Compassion, we humbly ask for Your gift of peace so that we will enjoy peace of mind and soul and thus be at peace with You, ourselves and our neighbors, Your peace helps us to respond to You and Your precepts and to put all events and problems in proper perspective. In our effort to legislate prudently, teach us to learn from history as we plan for today and the future of the Commonwealth. Let the spirit of the next few days which recall significant religious and historical events, motivate us to hold in high esteem the values, ideals and the virtues which these realities memorialize.

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

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

Statement Concerning Representative Angelo of Brockton.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Angelo of Brockton, will not be present in the House Chamber for today’s session due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

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

Resolutions.

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

Resolutions (filed by Speaker Flaherty of Cambridge) honoring Cheryl Yaffe Kiser on her many accomplishments;
Resolutions (filed by Mr. Bosley of North Adams) recognizing April twentieth, nineteen hundred and ninety-five as the Visitor Industry Policy for Tourism Day;

Resolutions (filed by Mr. Giglio of Medford) congratulating the Bangladesh Literary Circle of New England on the occasion of hosting the second North America Poetry Conference in Medford on May twenty-eighth, nineteen hundred and ninety-five;

Resolutions (filed by Ms. Resor of Acton) congratulating Seth Bishop on earning the prestigious rank of Eagle Scout;

Resolutions (filed by Mrs. Simmons of Leominster) congratulating James Ciprotti on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Representatives Tolman of Watertown, Gardner of Holliston, Kaprielian of Watertown, Miceli of Wilmington and Paulsen of Belmont) on the occasion of a Day of Remembrance for the Armenian Genocide of nineteen hundred and fifteen through nineteen hundred and twenty-three;

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

*Paper from the Senate.*

There being no objection,— a Bill authorizing the town of Bolton to borrow money for the cleanup of gasoline contamination and related costs (Senate, No. 914) (on a petition), passed to be engrossed by the Senate, was read.

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

*Report 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 Lida E. Harkins for legislation to authorize the State Retirement Board to grant a certain pension to Alan R. Keith. Under suspension of Rule 42, on motion of Mrs. Harkins of Needham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

*Engrossed Bill.*

There being no objection,— the engrossed Bill authorizing the town of Bolton to borrow money for the cleanup of gasoline contamination and related costs (see Senate, No. 914) (which originated in the Senate), having been certified by the Clerk to be rightly and
truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-six for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5000, amended) was considered, the main question being on passing it to be engrossed.

Mr. Tolman of Boston then moved that the bill be amended in section 2 by inserting after item 4120-4000 the following item:

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"4120-4001 For the operation of a housing registry to link persons with disabilities with accessible housing .......................................................... 100,000".
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The amendment was adopted.

Mr. Correia of Fall River then moved that the bill be amended in section 2 by striking out, in item 0336-0100, the figures “811,998” and inserting in place thereof the figures “838,045”.

The amendment was adopted.

Mr. Correia then moved that the bill be amended in section 2 by striking out, in item 0336-0200, the figures “422,958” and inserting in place thereof the figures “433,393”. The amendment was adopted.

The same member then moved that the bill be amended in section 2 by striking out, in item 0336-0300, the figures “373,691” and inserting in place thereof the figures “376,764”; and the amendment was adopted.

Mr. Correia of Fall River then moved that the bill be amended in section 2 by striking out, in item 0336-0400, the figures “393,890” and inserting in place thereof the figures “410,520”.

The amendment was adopted.

Mr. Correia then moved that the bill be amended in section 2 by striking out, in item 0336-0500, the figures “358,442” and inserting in place thereof the figures “373,241”. The amendment was adopted.

Mr. Tobin of Quincy then moved that the bill be amended in section 2, in item 4406-3000, by adding at the end thereof the words “; provided that not less than four hundred sixty-seven thousand seven hundred twenty-two shall be available for the Quincy Interfaith Sheltering Coalition”.

The amendment was adopted.

There being no objection,— Representatives Teague of Yarmouth, Gomes of Harwich, Cahir of Bourne and Turkington of Falmouth moved that the bill be amended in section 2, in item 4800-0036, by striking out, in line 2, the words “and Bristol” and inserting in place thereof the words “, Bristol, Cape and Islands”; and by striking out, in said item, the figures “265,000” and inserting in place thereof the figures “330,000”. The amendments were adopted.
Mr. Teague of Yarmouth then moved that the bill be amended in section 2 by adding at the end of item 9000-1801 the words "; and provided further, that not less than eighty thousand dollars be expended for the Cape Cod economic development council of Barnstable county".

Pending the question on adoption of the amendment, Representatives Parente of Milford and Kujawski of Webster moved, there being no objection, that the amendment be amended by adding at the end thereof the words "; and provided, further, that not less than seventy thousand dollars be expended to support the economic development activities carried out by the Blackstone Valley Chamber of Commerce". The further amendment was adopted.

The amendment offered by Mr. Teague, as amended, then also was adopted.

There being no objection,— Messrs. Teague of Yarmouth and Cahir of Bourne moved that the bill be amended in section 2, in item 8910-0000, by inserting after the words "Barnstable county", in line 3, the words "that not less than one hundred thousand dollars shall be expended for an intermediate sanctions program at the Barnstable district court".

The amendment was adopted.

Mrs. Walrath of Stow then moved that the vote be reconsidered by which the House, on Tuesday last, adopted an amendment, offered by her, in section 2, adding at the end of item 8000-0000 the words "; provided further that the Secretary is authorized to reimburse the town of Shirley for the temporary replacement cost of a police officer to cover the duties of the permanently injured officer shot by escaped inmate Robert Stewart, not to exceed fifty thousand dollars"; and the motion prevailed. On the recurring question the amendment was rejected.

The same member then moved that the bill be amended in section 2 by adding at the end of item 8900-0001 the words "; provided further that the commissioner is authorized to reimburse the town of Shirley for the temporary replacement cost of a police officer to cover the duties of the permanently injured officer shot by escaped inmate Robert Stewart, not to exceed fifty thousand dollars".

The amendment was adopted.

There being no objection,— Representatives Cohen of Newton, Fitzgerald of Boston and Khan of Newton moved that the bill be amended in section 2 by striking out, in item 4000-0225, the figures "36,508,172" and inserting in place thereof the figures "37,008,172"; and by adding at the end of item 7030-1000 the words "; provided further, that no more than three million dollars shall be expended to increase access to early childhood education programs for children of recipients of aid to families with dependent children participating in the MassJOBS program or former recipients in the first year of paid employment".

The amendments were adopted.

Mr. Teague of Yarmouth then moved that the bill be amended by adding at the end thereof the following section:
"SECTION 248. Children of Assistant District Attorneys shall receive the following discounts off fees and tuition at state colleges: If an assistant district attorney has been employed by the district attorney's office for three years, the children shall be exempt from paying tuition at state colleges."

The amendment was rejected.

There being no objection,— Messrs. Serra of Boston, Cohen of Newton, McIntyre of New Bedford, Herren of Fall River and Slattery of Peabody moved that the bill be amended in section 2 by striking out item 0321-1667, as amended, and inserting in place thereof the following four items:

0321-1600 For the Massachusetts legal assistance corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth, including the disability benefits project, the Medicare advocacy project, and the battered women's legal assistance project; provided further, that the first paragraph of section nine of chapter two hundred twenty-one A of the General Laws shall not apply to these programs; and provided further, that said corporation may contract with any organization for the purpose of providing said representation 1,710,073

0321-1610 For the Massachusetts legal assistance corporation for the purpose of distributing funds for general operating costs of local and statewide civil legal services providers 2,300,000

0321-2000 For the expenses of the mental health legal advisors committee, and for certain programs for the indigent mentally ill, as provided in section thirty-four E of chapter two hundred and twenty-one of the General Laws 261,777

0321-2100 For the Massachusetts correctional legal services committee 458,000

The amendment was adopted.

There being no objection,— Mr. Serra then moved that the bill be amended in section 2 by striking out, in item 0321-2100 (inserted by amendment), the figures "458,000" and inserting in place thereof the figures "496,782"; and the amendment was adopted.

There being no objection,— Mr. Dempsey of Haverhill and other members of the House moved that the bill be amended by adding at the end thereof the following section:

"SECTION 248. There is established a special commission to consist of the House and Senate Chairmen of the Joint Committee on Commerce and Labor, the House and Senate Chairmen of the Joint Committee on Taxation, the House and Senate Chairmen of the Joint Health Care Committee, the House and Senate Chairmen of the Joint Committee on Natural Resources and Agriculture, the House and Senate Chairmen of the Joint Energy Committee, the Chairman of the House Committee on Ways and Means, the
Chairman of the Senate Committee on Ways and Means, or their respective designees, the Secretary of the Executive Office for Administration and Finance, the Secretary of the Executive Office of Consumer Affairs and Business Regulation, the Secretary of the Executive Office of Economic Affairs, the Secretary of the Executive Office of Environmental Affairs, the Secretary of the Executive Office of Labor, or their respective designees, the Chairman of the Governor's Council on Economic Growth, a representative of the UMass Economic Project, and four representatives of private employers, at least two of which shall represent manufacturers.

The Commission shall conduct an investigation and study of the competitiveness of Massachusetts manufacturers and the regulatory and business environment in the Commonwealth relative to health care costs, the unemployment insurance program, workers' compensation costs, energy costs, taxation, environmental regulation, transportation and infrastructure, as well as other costs of doing business in Massachusetts as compared to the same costs in other states.

Said Commission shall report the results of its investigation and study, together with drafts of any legislation necessary to revise the statutes and regulations of the Commonwealth in order to enhance the competitiveness of Massachusetts manufacturers, by filing the same with the clerks of the House and the Senate not later than December 1, 1995.”.

The amendment was adopted.

There being no objection,— Representatives Gardner of Holliston and Vallee of Franklin moved that the bill be amended by adding at the end thereof the following section:

“SECTION 249. The definition of ‘foundation enrollment’, as appearing in section one of chapter seventy of the General Laws is hereby amended by striking out said definition and inserting in place thereof the following definition:—

‘Foundation enrollment’, the student enrollment of a district in any fiscal year. The foundation enrollment is defined as the sum of foundation elementary, junior high, senior high, bilingual, and vocational enrollment plus one-half of the foundation pre-school and kindergarten enrollment.

By March first of each calendar year, the department shall certify the foundation enrollment for the next fiscal year as the actual enrollment as reported the previous October provided however that a municipality anticipating an increase in the foundation enrollment may report the anticipated figure, provided, further that if the actual foundation enrollment does not conform to the reported projection by December thirty-first of the school year for which the projection was submitted, the municipality shall report the actual figure to the department who shall correct state assistance and foundation budget levels to reflect the actual enrollment.”.

The amendment was adopted.

Mr. Decas of Wareham then moved that the bill be amended in section 2 by striking out item 9215-0001 and inserting in place thereof the following item:
and by adding at the end thereof the following section:

"SECTION 250. Section 2 of chapter 166A of the General Laws, as most recently amended by section 197 of chapter 110 of the Acts of 1993, is hereby amended by striking the words 'five hundred and twenty thousand dollars' in the second sentence of the last paragraph and by inserting in its place the words:— seven hundred and twenty thousand dollars'."

The amendments were adopted.

Mr. DeFilippi of West Springfield then moved that the bill be amended in section 2 by adding at the end of item 1231-1000 the words "provided further, that no less than five hundred fourteen thousand two hundred dollars shall be allocated for the West Springfield Water Treatment Facility".

The amendment was adopted.

Ms. Resor of Acton then moved that the bill be amended in section 2 by adding at the end of item 8900-0010 the words "; provided further, that the Commissioner of Corrections shall spend no less than five hundred thousand dollars for security guards to support the operation and maintenance of the farm facilities at the NCC correctional facilities at MCI-Concord and SECC, MCI-Bridgewater".

The amendment was adopted.

There being no objection,— Mr. Correia of Fall River then moved that the bill be amended in section 2 by adding at the end of item 5046-0000, as amended, the words "; provided further, that said department shall take no action to reduce or realign the client population and services of the Dr. John C. Corrigan Center unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that said department shall limit alterations to staffing configurations at said mental health center to be consistent with said client population and service realignment; and provided further, that said department shall submit schedules and proposals for such realignments and staffing alterations to the house and senate committees on ways and means no later than July thirty-first, nineteen hundred and ninety-five".

The amendment was adopted.

There being no objection,— Mr. Straus of Mattapoisett then moved that the bill be amended in section 2 by adding at the end of item 7100-0200, as amended, the words "; provided further, that not less than seventy-five thousand dollars shall be expended on an artificial reef program; including, but not limited to, the creation of a model program to enhance and rehabilitate marine habitats at the university of Massachusetts at Dartmouth; provided further, the university of Massachusetts at Dartmouth shall enter into a cooperative agreement with the Division of Fisheries and Wildlife within the Department of Fisheries, Wildlife and Law Enforcement for said division to administer said program".

The amendment was adopted.
Mrs. Menard of Somerset then moved that the bill be amended in section 2 by adding at the end of item 7061-0011 the words “; provided further, that the town of Somerset shall qualify to receive assistance from this item in an amount equal to the same level of chapter seventy funding as said town received in fiscal year nineteen hundred and ninety-five”.

The amendment was adopted.

There being no objection.— Mr. McManus of Worcester then moved that the bill be amended in section 2 by adding at the end of item 0337-0400, as amended, the words “; provided, that of the amount appropriated herein, sixty-nine thousand two hundred fifty-six dollars shall be expended for the salaries of two additional probation officer positions”.

The amendment was adopted.

There being no objection.— Representatives Coon of Andover, Cuomo of North Andover and Iannuccillo of Lawrence moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 251. Section 24 of Chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out lines 446 to 465, inclusive, and inserting in place thereof the following: whoever uses a motor vehicle without authority knowing that such use is unauthorized shall, for the first offense be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in jail or house of correction for not less than thirty days nor more than two years, or both. A prosecution commenced under this proviso for a first offense shall not be placed on file or continued without a finding; provided, however, that if no term of imprisonment is imposed the defendant shall be required to perform a minimum term of sixty days of community service; and any person convicted of violating this proviso after a prior conviction of use of a motor vehicle without authority or motor vehicle theft as provided for in section twenty-eight of chapter two hundred and sixty-six shall be punished by imprisonment in the state prison for not more than five years or in a house of correction for not less than ninety days nor more than two and one-half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. No sentence imposed under this proviso for a second offense shall be reduced to less than ninety days imprisonment nor shall any sentence imposed upon any person be suspended or reduced until such person shall have served ninety days; and whoever is found guilty of a third or subsequent offense of such use without authority or motor vehicle theft as provided for in section twenty-eight of chapter two hundred and sixty-six committed within five years of the earliest of his two most recent prior offenses shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment for not less than one year nor more than two and one-half years in a house of correction or for not less than two and one-half years nor more than five years in the state prison or by both fine and imprisonment. No sentence
imposed under this proviso for a third or subsequent offense committed within five years shall be reduced to less than one year, nor shall any sentence imposed upon any person be suspended or reduced until such person shall have served one year. A summons may be issued instead of a warrant for arrest upon a complaint for a violation of any provision of this paragraph if in the judgment of the court or justice receiving the complaint there is reason to believe that the defendant will appear upon a summons.

SECTION 252. Subdivision (a) of section 28 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:

A prosecution commenced under this subdivision shall not be placed on file or continued without a finding; provided, however, that if no term of imprisonment is imposed the defendant shall be required to perform a minimum term of sixty days of community service. Any person convicted of violating this section after one or more prior convictions of motor vehicle theft or use of a motor vehicle without authority as provided for in paragraph (a) of subdivision (2) of section twenty-four of chapter ninety shall be punished by imprisonment in the state prison for not more than fifteen years or by imprisonment in a jail or house of correction for not less than one year nor more than two and one-half years or by a fine of not more than fifteen thousand dollars, or by both such fine and imprisonment. No sentence imposed under the provisions of this subdivision for a second or subsequent offense shall be reduced to less than one year imprisonment, nor shall any sentence imposed upon any person be suspended or reduced, until person shall have served one year.”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out, in item 8000-0105, the figures “3,179,920” and inserting in place thereof the figures “3,429,920; and by adding at the end thereof the following three sections:

“SECTION 253. The eighth paragraph of section two of chapter thirty-eight of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking said paragraph and inserting in place thereof the following:

The chief medical examiner, with approval of the Secretary of the Executive Office of Public Safety, shall promulgate rules for the disclosure of autopsy reports, which shall not be deemed to be public records, to those who are legally entitled to receive them. The chief medical examiner, with the approval of the Secretary of the Executive Office of Public Safety, may establish fees for providing autopsy reports to those who are legally entitled to receive them.

SECTION 254. Section 14 of chapter 38 of the General Laws, as so appearing in the 1992 Official Edition, is hereby amended by striking said section and inserting in place thereof the following:

Section 14. A medical examiner, or forensic investigator employed by the Office of the Chief Medical Examiner, designated by the Chief Medical Examiner, shall view the body and make personal inquiry
concerning the cause and manner of death of any person whose body is intended for cremation or burial at sea and shall authorize such cremation or burial at sea only when no further examination or judicial inquiry concerning such death is necessary. A fee of one hundred dollars shall be paid by the person to whom such authorization for cremation or burial at sea is given.

SECTION 255. Chapter 38 of the General Laws, as recently amended by chapter 368 of the Acts of 1992, is hereby amended by adding at the end thereof the following new section:

Section 16. In all cases in which a staff pathologist of the office of the chief medical examiner is required to testify in court on a civil matter as to the investigation and certification as to the cause of death under the jurisdiction of said office, the office of the chief medical examiner shall receive a fee of one hundred dollars for each hour in which said keeper of records or personnel is required to be in attendance at said court, not to exceed one thousand dollars per day. Said fees shall be paid by any party or individual requesting the expert testimony of a representative of the office of the chief medical examiner."

The amendments were adopted.

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

"SECTION 256. There is hereby established and set up on the books of the commonwealth a separate fund, to be administered and expended by the commissioner of the division of energy resources, known as the Energy Technology Development Fund. Said fund shall consist of monies received by the commonwealth, under the provisions of subsections five and six of section six of chapter twenty-five A, including all interest accrued on said monies, to promote energy efficiency in Massachusetts and the research, development, and commercialization of new energy technologies. The state treasurer shall not deposit said monies in or transfer said monies to the General Fund or any other fund other than the Energy Technology Development Fund. All monies credited to said fund under this section shall remain in said fund, not subject to appropriation, and shall be expended at the direction of the commissioner of the division of energy resources in a manner consistent with this section. Any unexpended balances remaining in the Energy Technology Development Fund at the end of the fiscal year shall be redeposited for further use consistent with this section and shall not revert to the General Fund. The state treasurer shall receive and deposit all monies transmitted to him under the provisions of this section in such manner that will ensure the highest rate of interest available, consistent with the safety of the fund, and in an account from which amounts may be withdrawn by said commissioner without penalty for such withdrawal."

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 8000-0010 by striking out the text contained therein and inserting in place thereof the following:
"For community policing grants to be awarded by the Executive Office of Public Safety to cities and towns which have experienced severe health and safety problems as a result of increased gang activity and street violence; provided, that the communities of Boston, Brockton, Cambridge, Chelsea, Chicopee, Fall River, Haverhill, Holyoke, Lawrence, Lowell, Lynn, Methuen, New Bedford, Pittsfield, Revere, Somerville, Springfield and Worcester shall receive the same amount of funding as in fiscal year nineteen hundred and ninety-five; provided further, that no fund shall be awarded to the department of state police; provided further, that monies awarded by said executive office may include grants for community policing in state aided public housing developments; [A] provided further, that the remaining balance in this account shall be awarded by said executive office to eligible cities and towns pursuant to the review and approval of grant proposals; and provided further, that said executive office shall, not later than September fifteenth, nineteen hundred and ninety-five, submit a report detailing the amount of grants awarded to cities, towns and state aided public housing developments, and a description of said grants to the house and senate committees on ways and means”.

Pending the question on adoption of the amendment, Messrs. McGee of Lynn and Fennell of Lynn moved, there being no objection, that the amendment be amended by inserting after the word “developments;” [at “A”] the words “provided further, that not more than sixty thousand dollars shall be provided for the Safe City Program, so-called, in the city of Lynn”. The further amendment was adopted.

The amendment offered by Mr. Finneran, as amended, then also was adopted.

There being no objection,— Representatives Bosley of North Adams, Menard of Somerset, O'Brien of Hanover, Koczera of Fall River, Fox of Boston and Kollios of Millbury moved that the bill be amended in section 2, in item 4401-1000, by inserting after the word "allocations;", in line 8, the words “provided further, that six million six hundred thousand dollars shall be expended as part of the Welfare Job Training and Education Assistance Program, as established in section____ of this act; provided further, that any federal reimbursements received for said program shall be deposited into the Welfare Job Training and Education Assistance Fund;”; and by striking out, in said item, the figures “11,911,597” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Welfare Job Training and Education Assistance Fund</th>
<th>36.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>64.0%</td>
</tr>
</tbody>
</table>

in item 7035-0002 by adding at the end thereof the words “; provided that four million dollars shall be expended as part of the Welfare Job Training and Education Assistance Program, as established in section____ of this act; provided further, that any federal reimbursements
received for said program shall be deposited into the Welfare Job Training and Education Assistance Fund”; by striking out, in said item, the figures “4,205,465” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Welfare Job Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>and Education</td>
</tr>
<tr>
<td>Assistance Fund 49.0%</td>
</tr>
<tr>
<td>Local Aid Fund 51.0%</td>
</tr>
</tbody>
</table>

in item 9081-7011 by inserting after the word “workers;”, in line 2, the words “,” provided that seven hundred fifty thousand dollars shall be expended for the creation of manufacturing networks; provided further that one million four hundred thousand dollars shall be expended for employed worker training technical assistance and matching grants; provided further that not more than four hundred thousand shall be expended to create said technical assistance program”; by striking out, in said item, the figures “225,000” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Welfare Job Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>and Education</td>
</tr>
<tr>
<td>Assistance Fund 93.0%</td>
</tr>
<tr>
<td>General Fund 3.0%</td>
</tr>
</tbody>
</table>

by inserting after item 9081-7011 the following two items:

<table>
<thead>
<tr>
<th>9081-7012 For pre-employment and re-employment services provided by the department in conjunction with the Welfare Job Training and Education Assistance Program, as established in section ___ of this act; provided that any federal reimbursements received for said program shall be deposited into the Welfare Job Training and Education Assistance Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welfare Job Training and Education Assistance Fund 3,250,000</td>
</tr>
</tbody>
</table>

| 9081-7013 Tactical Training Initiative 500,000 |

and by adding at the end thereof the following three sections:

"SECTION 257. Notwithstanding the provisions of any general or special law to the contrary, the Welfare Job Training and Education Fund is hereby established. The comptroller is hereby authorized and directed to transfer the remaining balance of thirty-five million seven hundred one thousand eight hundred and twenty-seven dollars in the Federal Loan Interest Fund, created in section 16 of chapter twenty-six of the acts of nineteen hundred and ninety-two into the Welfare Training and Education Fund, on the effective date of this act. The unexpended balance of said fund shall not revert..."
back to the general fund at the end of fiscal year nineteen hundred and ninety-five, but shall remain in said fund. Any federal reimbursement received for employment programs shall be deposited into said fund. The Welfare Job Training and Education Assistance Program is hereby established. Said program shall be developed and administered by the Massjobs Council. In developing said program, the Massjobs Council shall include the recommendations made by the special committee on job training established in section 131 of chapter five of the acts of nineteen hundred and ninety-five, as well as other actions deemed appropriate and consistent with such recommendation.

SECTION 258. Subsection 5F of Section 110 of Chapter 5 is hereby amended by inserting, after the words, ‘sixty month period’ in the first paragraph, the following words:— unless the recipient is enrolled in an educational program or institution of higher learning approved by the department, that requires the recipient to be enrolled for a period exceeding twenty-four months in order to complete educational requirements, or ...”

SECTION 259. Subsection 5f of Section 110 of Chapter 5 is hereby amended by adding, in the fourth paragraph, after subsection (ii), the following:— (iii) whether the recipient is enrolled in an educational program or institution of higher learning approved by the department, that requires the recipient to be enrolled for a period exceeding twenty-four months in order to complete educational requirements.”.

After remarks the amendments were adopted.

There being no objection,— Messrs. Tolman of Boston and Honan of Boston moved that the bill be amended in section 2 by adding at the end of item 1201-0100 the words “; provided further, that a minimum of four hundred forty-four positions be allocated exclusively to auditing and verifying the correctness of returns filed, including a minimum of seventy-five multistate auditors, two hundred ninety-four field auditors in New England, and seventy-five auditors in desk audit; and provided further, that the department of revenue shall certify in writing to the house and senate committees on ways and means that new hires performing auditing functions authorized herein shall generate not less than twenty million dollars in additional annual revenue”. The amendment was adopted.

There being no objection,— Messrs. Naughton of Clinton and Pedone of Worcester moved that the bill be amended in section 2 by adding at the end of item 7100-0220 the words “; provided that not less than two hundred seventy-five thousand dollars shall be expended for the analysis of any narcotic drug and/or synthetic substitute, poison, drug, medicine or chemical at the drug abuse laboratory at the University of Massachusetts Medical School in order to support the law enforcement activities of the district attorney and the police departments of the cities and towns of the Middle District”.

Pending the question on adoption of the amendment, Mr. Glodis of Worcester asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.
Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 142 members were recorded as being in attendance.

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

Therefore a quorum was present.

After remarks the amendment was adopted.

Mr. Cahir of Bourne then moved that the bill be amended in section 2, in item 6005-0011, by striking out the following: “Highway Fund . . . . 100.0%” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Aid Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>General Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>20.0%</td>
</tr>
</tbody>
</table>

in item 6005-0012 by striking out the following: “Highway Fund . . . . 100.0%” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Aid Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>General Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>20.0%</td>
</tr>
</tbody>
</table>

in item 6005-0015 by striking out the following: “Highway Fund . . . . 100.0%” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Aid Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>General Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>20.0%</td>
</tr>
</tbody>
</table>

in item 6005-0018 by striking out the following: “Highway Fund . . . . 100.0%” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Aid Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>General Fund</td>
<td>40.0%</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>20.0%</td>
</tr>
</tbody>
</table>

in item 7035-0004 by striking out the following: “Highway Fund . . . . 100.0%” and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Aid Fund</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

and in item 2350-0100 by striking out the following:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Law</td>
<td></td>
</tr>
<tr>
<td>Enforcement Fund</td>
<td>50.0%</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>15.0%</td>
</tr>
</tbody>
</table>

and inserting in place thereof the following:

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Law</td>
<td></td>
</tr>
<tr>
<td>Enforcement Fund</td>
<td>55.0%</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>10.0%</td>
</tr>
</tbody>
</table>

The amendments were adopted.

There being no objection,— Representatives Turkington of Falmouth, Gomes of Harwich, Kimm of Barnstable and Teague of Yarmouth moved that the bill be amended in section 2, in item 4403-2120, by inserting after the word “shelters”, in line 2, the words “; and,
provided further, that not more than three hundred fifty thousand dollars shall be expended for the special program to reduce homelessness in Barnstable, Dukes and Nantucket Counties”; and by adding at the end thereof the following section:

“SECTION 260. Notwithstanding any general or special law to the contrary the department of public welfare shall contract for regional administration of a pilot program to reduce homelessness in Barnstable, Dukes and Nantucket Counties with the local, non-profit, regional housing agency known as the housing assistance corporation based in Barnstable county, hereinafter referred to as the regional administrator. In order to qualify for participation in said program, a family must either be living in temporary shelter, paid for through the department’s emergency assistance program, for no less than thirty days, during which period the family has been unable, despite reasonable efforts as required by the regulations of the department, to obtain suitable, permanent, affordable housing, or to be eligible to participate in the department’s emergency assistance program. Said program is to be considered transitional, scattered site shelter and therefore eligible for federal reimbursement under Title IV-A of the Social Security Act. The department shall pay rental assistance, for units provided to participants in said program, of no greater than five hundred dollars per month for two bedroom units, and no greater than six hundred dollars per month for three bedroom units.

The responsibilities of the regional administrator shall be detailed in a written contract and shall include the following services to be provided to program participants: housing search; lease negotiations; performance of lease obligations and case management. Said regional administrator shall also be responsible for raising a sum of money locally for the purposes of providing a homeless prevention program for families in imminent risk of homelessness; provided that for fiscal year nineteen hundred ninety-five, said regional administrator shall raise for said program a sum of money no less than fifty thousand dollars. The regional administrator shall be paid an administrative fee not to exceed seventy-five dollars per month per participating family, provided that said administrative fee shall be collected by the regional administrator from program participants. Of said administrative fee, fifty dollars shall be used by the regional administrator to defray administrative costs, and twenty-five dollars shall go to a pool established by the administrator to be used to defray incidental costs associated with the program. Incidental costs shall include, but not be limited to transportation for the family, dump stickers and emergency child care.

The homeless prevention program shall include, but not be limited to: a) rent or mortgage assistance when such assistance would prevent homelessness; b) payments of deposits and last month’s rent; c) not more than one hundred dollars per month for supplemental rental assistance when the rent contribution provided by the department pursuant to this section is insufficient; and d) rental assistance to reduce the rent contribution provided by the department pursuant to this
section; provided, however, that state funds allocated for homeless prevention shall only be used for rental or mortgage assistance to prevent homelessness.

Nothing in this section shall be construed to create any right to participate in said program, and no family which meets the eligibility requirements for said program shall have any such right to participate; provided, that nothing in this section shall be construed to require a family which meets the eligibility criteria for said program to participate therein; provided further, that a family which is otherwise eligible to receive benefits pursuant to the department’s emergency assistance program shall not lose eligibility for such benefits solely as a result of its agreement to participate, or its participation in, said program. No more than three hundred fifty thousand dollars may be expended for this program from item 4403-2120 of section two of this act and said funds shall be the only funds available for this program.”.

The amendments were adopted.

Mr. Turkington then moved that the bill be amended in section 2 by adding at the end of item 0333-0100 the words “; provided, that no less than fifty thousand eight hundred dollars be expended for the operation of the Children and Parents, Inc. (CAP) program operating in said court”.

The amendment was adopted.

Mr. McIntyre of New Bedford then moved that the bill be amended in section 2, in item 8910-0000, by inserting after the words “Berkshire county”, in line 5, the words “For a reserve to fund county correctional programs; provided, that not less than three hundred eighty-five thousand dollars shall be expended for an intermediate sanctions program at the New Bedford district court”.

The amendment was adopted.

Mr. McIntyre of New Bedford then moved that the bill be amended in section 2 by striking out, in item 0330-0317, the figures “250,000” and inserting in place thereof the figures “396,200”; and, there being no objection, by striking out, in item 8900-0001, the figures “229,996,984” (inserted by amendment) and inserting in place thereof the figures “226,461,830”.

The amendments were adopted.

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

“SECTION 261. Sections 17B-17E of chapter 6A are hereby repealed. All responsibilities formerly of the Executive Office of Labor shall be transferred to the Executive Office of Economic Affairs; provided, that the certification of wage rates shall be transferred to the Division of Local Services within the Department of Revenue.”.

After remarks on the question on adoption of the amendment (Mrs. Menard of Somerset being in the Chair), Mr. Teague asked for a count of the House to ascertain if a quorum was present. The Chair, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.
Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 138 members were recorded as being in attendance.

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

Therefore a quorum was present.

The amendment then was rejected.

There being no objection,— Representatives Teague of Yarmouth, Coon of Andover and Peters of Charlton moved that the bill be amended by adding at the end thereof the following section:

"SECTION 261. Section twenty-seven of chapter one hundred and forty-nine shall not apply to cities and towns for any construction or development projects in the amount of one hundred thousand dollars or less."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Teague; and on the roll call 32 members voted in the affirmative and 117 in the negative.

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

Therefore the amendment was rejected.

There being no objection,— Representatives Cuomo of North Andover and Hyland of Foxborough moved that the bill be amended by adding at the end thereof the following section:

"SECTION 261. Section 3 of chapter 258B, as appearing in the 1992 General Laws, is hereby amended by inserting at the end of subsection (a), the following:

Said custodial authority shall designate advocates to respond to questions and concerns of victims and witnesses, ensure that appropriate victim notification procedures are implemented, intervene on behalf of victims or witnesses who receive threatening or intimidating phone calls or correspondence from inmates, support and facilitate the use of victim and witness impact statements in post-conviction review, and develop and distribute materials describing the correctional system and the specific services for victims and witnesses. The Department of Corrections shall administer said program upon receipt of three hundred thousand dollars. The Department of Corrections shall administer said program in cooperation with the Executive Office of Public Safety, the Parole Board, the District Attorneys, the Attorney General and the Department of Youth Services so that said services are provided without duplication."

After remarks the amendment was rejected.

There being no objection,— Messrs. Jones of North Reading and Casey of Winchester moved that the bill be amended by adding at the end thereof the following section:

"SECTION 261. Notwithstanding any law or regulation to the contrary the department of Environmental Protection shall not impose any closure or capping requirements on the municipal landfill operated by the town of Reading prior to fiscal year nineteen hundred and ninety-eight."

The amendment was adopted.
Mr. Hodgkins of Lee then moved that the bill be amended in section 2, in item 0340-1102, by striking out, in line 2, the words "city of Pittsfield" and inserting in place thereof the words "county of Berkshire"; and the amendment was adopted.

Mr. Hodgkins then moved that the bill be amended in section 2 by adding at the end of item 4800-0036 the words "; provided that not less than fifty thousand dollars be expended for the operation of sexual abuse intervention network services to be administered through the Berkshire County Children's Advocacy Center". The amendment was adopted.

Mr. Koczera of New Bedford then moved that the vote be reconsidered by which the House, at the previous session, adopted amendments (offered by Mr. Dempsey of Haverhill and other members of the House) in section 2 by adding at the end of item 9110-1630 the following: "; provided, further, that notwithstanding the provisions of any general or special law to the contrary, the secretary is hereby authorized to transfer not more than three percent of the funds appropriated herein to item 9110-1633 for the administration of home care corporations or case management services"; by adding at the end of item 9110-1633 the following: "provided further, that notwithstanding the provisions of any general or special law to the contrary, the secretary is hereby authorized to transfer not more than three percent of the funds appropriated herein to item 9110-1630 for the direct purchase of home care, home health or related services"; and in item 9110-1634 by inserting after the word "act", in line 3, the words "for case management and". The motion to reconsider prevailed.

On the recurring question the amendments were rejected.

Mr. Koczera and other members of the House then moved, there being no objection, that the bill be amended in section 2 by adding at the end of item 9110-1630 the following: "provided, further, that notwithstanding the provisions of any general or special law to the contrary, the secretary is hereby authorized to transfer not more than three percent of the funds appropriated herein to item 9110-1633 of section two of this act for the administration of home care corporations or case management services;"; and by adding at the end of item 9110-1633 the following: "provided, further, that notwithstanding the provisions of any general or special law to the contrary, the secretary is hereby authorized to transfer not more than three percent of the funds appropriated herein to item 9110-1630 of section two of this act for the direct purchase of home care, home health or related services".

The amendments were adopted.

There being no objection,— Representatives Cohen of Newton, Fitzgerald of Boston, Resor of Acton and Valianti of Marlborough moved that the bill be amended in section 2 by striking out, in item 0321-1600 (inserted by amendment), the figures "1,710,073" and inserting in place thereof the figures "2,010,073". The amendment was adopted.

There being no objection,— Messrs. Golden of Lowell, LeLacheur of Lowell, Panagiotakos of Lowell and Stefanini of Framingham moved that the bill be amended in section 2 by adding at the end of item 5046-0000 the words "; provided further, that said
department shall take no action to reduce or realign the client population and services of the Dr. Harry C. Solomon Mental Health Center unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that said department shall limit alterations to staffing configurations at said mental health center to be consistent with said client population and service realignment; and provided further, that said department shall submit schedules and proposals for such realignments and staffing alterations to the house and senate committees on ways and means no later than July thirty-first, nineteen hundred and ninety-five”.

The amendment was adopted.

Mr. Cohen of Newton being in the Chair,— Representatives Menard of Somerset, Cahir of Bourne, Lambert of Fall River and Herren of Fall River moved, there being no objection, that the bill be amended in section 100 by striking out, in line 14, the word “and”; and by striking out, in line 15, the word “beneficiaries.” and inserting in place thereof the following: “beneficiaries; and (5) the department and the division shall require the vendor to include in the service network established pursuant to said agreement all state-operated facilities currently providing services relevant to said agreement. Such facilities shall be reimbursed for reasonable costs incurred in providing such services; and provided further, that any such providers shall be medicaid certified to participate in said network”.

The amendment was adopted.

Mrs. Menard of Somerset being in the Chair,— Mr. McDonough of Boston moved that the vote be reconsidered by which the House, at the previous session, adopted an amendment (offered by Mrs. Lewis of Bridgewater) adding at the end of the bill the following section:

“SECTION 236. Section 2, subsection (D), paragraph (d) of Chapter 18 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended in line 123, by inserting after the word ‘available’ the words: ‘provided that no person be placed in a hotel or motel unless said person is made homeless by natural disaster, sheriff’s eviction, or is a victim of domestic violence.’. The motion to reconsider prevailed.

On the recurring question on adoption of the amendment, Mrs. Lewis of Bridgewater moved that the amendment be amended by striking out the text contained therein and inserting in place thereof the following:

“SECTION 236. For those persons whose last permanent residence was outside of the Commonwealth and whose homelessness is a result of circumstances other than domestic violence or disaster, emergency shelter in a hotel or motel shall not be provided by the Department of Transitional Assistance.”.

The amendment was adopted, thus precluding a vote on the original amendment.

Mrs. Paulsen of Belmont then moved that the bill be amended in section 2, in item 4120-6000, by striking out, in lines 2 and 3, the following:

“General Fund ..................... 98.51%
Head Injured Trust Fund...... 1.49%”.

The amendment was adopted.
Mrs. Paulsen then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 262. (a) The provisions of section eighteen of chapter one hundred and eighty-four and chapter two hundred and thirty-nine of the General Laws shall apply to a lawful housing occupant who is a client in a program of residential care and services licensed, funded or operated by the department of mental health and who (1) pays the program for such residential care and services, and (2) receives from the program care and services in a housing unit equipped with a kitchen and bathroom, and (3) occupies the unit either alone or with the occupant’s family, as defined in the regulations of the department.

(b) The provisions of section eighteen of chapter one hundred and eighty-four and chapter two hundred thirty-nine of the General Laws shall not apply to an occupant in such a program of residential care and services which does not satisfy the conditions established in (a) if, prior to eviction, the occupant has received the procedural protections contained in subsection (c).

(c)(1) A provider who seeks the eviction of an occupant in a program of residential care and services of the department which does not satisfy the conditions established in subsection (a) shall provide to the occupant and to the department written notice of the grounds of the proposed eviction, including reasons, relevant facts and the sources of such facts. Said notice shall also contain reference to this act and advise the occupant that he has the right to a hearing, to be represented at such hearing and to examine his file beforehand. At the request of the occupant, the provider shall afford the occupant, or his representative, prior to the hearing, reasonable access to review and copy his file, which shall include any document intended to be used against him at the hearing.

(2) Upon receipt of notice from the provider, the department shall immediately assign an impartial hearing officer to conduct a hearing on the propriety of the proposed eviction. The hearing officer shall select a hearing location convenient to the provider and occupant and shall conduct the hearing no sooner than four normal business days and no later than ten normal business days after receipt of the proposed eviction notice, unless the provider and occupant jointly request an alternate date. The provider and occupant may be represented by anyone of their choosing and shall be afforded the opportunity to present relevant evidence, to examine adverse evidence, and to examine and cross-examine witnesses.

(3) The provider shall have the burden of proving, by a preponderance of evidence, the propriety of the proposed eviction, provided that all such evidence shall be within the scope of the reasons for eviction set forth in the notice required by paragraph (1). An eviction under this section shall be deemed proper if the occupant has substantially violated an essential provision of a written agreement containing the conditions of occupancy or if the occupant is likely, in spite of reasonable accommodation, to impair the emotional or physical well-being of other occupants, program staff or neighbors.
(4) At the conclusion of the hearing, the hearing officer shall prepare a written decision containing findings of fact and conclusions of law based on the evidence received at the hearing and shall submit a copy of the decision to the occupant and provider. The decision may be appealed to the superior court pursuant to section fourteen of chapter thirty A of the General Laws.

(5) Prior to the receipt of a written decision, the provider may request the department to provide additional staffing or other assistance to protect the emotional or physical well-being of other occupants, program staff or neighbors. Upon receipt of such request, the department shall provide such timely assistance as it reasonably deems appropriate.

(6) Upon receipt of a hearing officer decision confirming the propriety of a proposed eviction, the department shall take steps to secure for an occupant who would otherwise become homeless appropriate housing in the least restrictive setting appropriate to the mental condition of the occupant.

(d) Nothing in this act shall be construed to (1) restrict a provider from instituting an eviction proceeding under chapter two hundred and thirty-nine if the department has failed to conduct a timely hearing pursuant to subsection (c)(2); (2) restrict the temporary removal of an occupant under section twelve of chapter one hundred and twenty-three; (3) apply to any facility defined in section one(u) of chapter forty D or section seventy-one of chapter one hundred and eleven; (4) diminish the rights of a lawful occupant of an assisted living facility, so-called, or (5) diminish or alter any other occupant rights or privileges not specifically covered in this act.

(e) The superior, housing and district courts shall have jurisdiction in equity to enforce the provisions of this section, and the department may be made a party to any such action.

This section shall take effect on July 1, 1996 and shall apply to evictions initiated on and after that date. This section shall expire on June 30, 2001; provided, however, that any proceeding pending on the expiration date shall be governed by the provisions of this section."

The amendment was adopted.

There being no objection,— Representatives Paulsen of Belmont and Tolman of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 263. Section 3 of chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting the following subsection:

The inspector general of the commonwealth shall conduct a study of improper registration of motor vehicles which are actually garaged in the commonwealth but are registered and insured in another state or are registered in a city or town, but actually garaged in another city or town; provided, that said study shall include, but not be limited to, an analysis and evaluation of the economic impact of the improper registration on sales tax revenues, excise tax revenues, and insurance coverage costs; the current practice and procedure, if any, for validating the proper place of registration; the number of
motor vehicles that should be registered and insured in the common-wealth but are registered and insured in another state or should be registered and insured in a city or town but are registered and insured in another; if any procedures, practices, programs or mea-sures may be employed or implemented to track, eliminate or reduce the number of vehicles improperly registered and insured; and pro-vided further, that said study shall be submitted to the house and senate committees on ways and means on or before December thirty-first, nineteen hundred ninety-five.”.

The amendment was adopted.

The Speaker being in the Chair,— Ms. Gardner of Holliston moved that the bill be amended in section 2 by adding at the end of item 8950-0001 the words “; provided that no less than two hundred ninety thousand dollars shall be expended for the Pathways Program”; and by striking out, in said item, the figures “11,315,457” and inserting in place thereof the figures “11,605,457”; and the amendments were adopted.

There being no objection,— Messrs. Cohen of Newton and Fitzgerald of Boston moved that the bill be amended in section 2 by adding at the end of item 4000-0195 the words “; provided further, that forty million eight hundred seventy-eight thousand eight hun-dred sixty-five dollars shall be expended for MASSJOBS voucher day care; provided further, that five million nine hundred seventy-nine thousand six hundred eighty-seven dollars shall be expended for MASSJOBS contracted day care”; and by adding at the end of item 4000-0225 the words “provided further, that no more than thirty-three million seven hundred sixty-nine thousand and three dollars shall be expended for contracted day care slots for income eligible parents; and provided further, that no more than two million seven hundred and thirty-nine thousand one hundred and sixty-one dollars shall be expended for voucher day care for income eligible parents”. The amendments were adopted.

Mr. Cohen then moved that the bill be amended in section 2 by adding at the end of item 4130-2087 the words “provided that one hundred twenty-two thousand nine hundred and ten dollars shall be expended for operating expenses of child care resource and referral programs that provide direct services to parents; and provided fur-ther, that one hundred eighty-seven thousand five hundred twenty-five dollars shall be expended to provide through contracts basic day care services for children with disabilities in school-age child care programs not eligible for child care as defined by Title IV-F of the Social Security Act”; and by adding at the end of item 4407-9070 the words “provided that five million eight hundred thousand dollars received pursuant to this grant shall be expended for the purchase of income eligible contracts; and provided further, that four hundred thousand dollars shall be expended for the management of the income eligible voucher system”.

The amendments were adopted.

There being no objection,— Messrs. Finneran of Boston and Scibelli of Springfield moved that the bill be amended in section 2
by striking out, in item 0333-0700, the figures "1,848,147" and inserting in place thereof the figures "1,910,114".

The amendment was adopted.

There being no objection,— Messrs. Finneran of Boston and Flaherty of Cambridge moved that the bill be amended in section 2 by striking out, in item 1410-0251, the figures "330,000" and inserting in place thereof the figures "680,000". The amendment was adopted.

Mr. Finneran then moved that the bill be amended in section 2 by striking out items 0810-0000 and 0810-0002 and inserting in place thereof the following item:

"0810-0000 For the office of the attorney general; provided, that not less than eight hundred and twenty-eight thousand seven hundred and fifty dollars shall be used for merit compensation adjustments for staff of the office of the attorney general........................................... 14,016,256";

and in section 3A by striking out, in item 0322-0100, the figures "80.40" and inserting in place thereof the figures "81.40"; and by striking out, in item 0330-0100, the figures "316.00" and inserting in place thereof the figures "320.00".

The amendments were adopted.

There being no objection,— Messrs. Finneran of Boston and Lynch of Boston then moved that the bill be amended in section 2 by inserting after item 3144-0002 (inserted by amendment) the following item:

"3144-0003 For the Boston housing authority for a program to provide certain tenant services for the West Broadway housing authority task force................. 76,000
Local Aid Fund .................. 100.00%".

The amendment was adopted.

There being no objection,— Messrs. Teague of Yarmouth and Poirier of North Attleborough moved that the bill be amended by adding at the end thereof the following section:

"SECTION 264. Chapter 21A of the Massachusetts General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following new section:

Section 20.

(A) Upon passage of an environmental law by the General Court, the Executive Office of Environmental Affairs may recommend any necessary regulation in accordance with the law.

(B) The Executive Office of Economic Affairs and the Executive Office of Communities and Development shall then evaluate the prospective regulation using the following six (6) criteria:

The regulation must:

1. not be unnecessarily duplicative of other federal or state regulations
2. be consistent with existing state statutes and regulations
3. be clearly within the authority delegated by law
(C) A consulting consortium shall be established and shall consist of thirteen members. The Speaker of the House of Representatives and the Senate President shall each appoint two members for a total of four. Nine members shall be appointed by the Governor, one of whom shall be a representative of the Massachusetts Hi-Tech Council, one representative from the Associated Industries of Massachusetts, one representative from the Massachusetts Business Roundtable, one representative from the Massachusetts Bio-Tech Council, one representative from the National Federation of Independent Businesses, and one representative each from the chamber of commerce representing the eastern region, the Cape Cod region, the central region, and western region of Massachusetts for a total of four. Guidelines for participation shall be promulgated by the Secretariats of Economic Affairs and Environmental Affairs.

(D) The Executive Office of Environmental Affairs, the Executive Office of Economic Affairs, and the consulting consortium, acting in concert, shall prepare a joint report on the proposed regulation. This joint report shall address the suitability of the regulation along with any changes that can be written to make the regulation comply with criteria one and two, as set forth in section B. While preparing this joint report, the Executive Office of Environmental Affairs, the Executive Office of Economic Affairs, and the consulting consortium shall hold public hearings on the proposed regulation.

(E) Along with participating in preparing the joint report on a proposed regulation, the members of the consortium shall identify those regulations which have historically proven to be most problematic to small and medium sized businesses.

(F) The Executive Office of Environmental Affairs, the Executive Office of Economic Affairs, and the consulting consortium shall also prepare a joint report yearly which will propose legislation to ameliorate existing burdensome regulations.

Small businesses having difficulties meeting state or federal environmental regulations will be encouraged to contact the Executive Office of Economic Affairs which will then forward the particular problem, on an anonymous basis to the consulting consortium which may investigate and recommend potential solutions or identify areas where regulatory change seems appropriate. Any such recommendation will be provided through the Secretariat of Economic Affairs to appropriate executive branch agencies.”.

The amendment was adopted.

Mr. Stefanini of Framingham then moved that the bill be amended in section 97 by inserting after the word “costs,” in line 30, the words “provided, that the authority conduct a feasibility study, analyze cost and prepare designs for projects necessary to extend the Framingham Relief Sewer Project into contiguous member communities.”.

The amendment was adopted.

There being no objection,— Messrs. Klimm of Barnstable and Teague of Yarmouth moved that the bill be amended by adding at the end thereof the following section:
“SECTION 265. Section one A of chapter fourteen of the General Laws is hereby amended by adding the following new paragraph:—

The Division shall establish a fund for child support payments for which the Division, having adequately and thoroughly attempted, has been unable to determine the appropriate recipient of said payments. Said fund shall be called ‘The Unidentified Child Support Payment Fund’ and notwithstanding any general or special act to the contrary, the Division shall expend at the beginning of each fiscal year, the previous fiscal year’s receipts equally between: an out-of-state extradition program for parents in arrears of more than five thousand or any amount that is a year in arrears in court ordered child support payments; the funding of an ‘Unidentified Child Support Payment Fund Task Force’ to further investigate unidentified payments; and to fund a grant program for child support recipients owed more than five thousand dollars in court ordered child support payments. The Division shall, on an annual basis, determine a grant formula for said program commensurate with the amount owed per recipient; eligibility for assistance under the aid to families with dependent children program shall not be altered by receipt of said grant monies.”.

The amendment was adopted.

There being no objection, — Messrs. Scaccia of Boston and Rushing of Boston moved that the bill be amended in section 2 by adding at the end of item 5046-0000 the words “; provided further, that said department shall take no action to reduce or realign the client population and services of the Massachusetts Mental Health Center and the Solomon Carter Fuller Mental Health Center unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that said department shall limit alterations to staffing configurations at said mental health centers to be consistent with said client population and service realignment; and provided further, that said department shall submit schedules and proposals for such realignments and staffing alterations to the house and senate committees on ways and means no later than July thirty-first, nineteen hundred and ninety-five”.

The amendment was adopted.

Mr. Rushing of Boston then moved that the bill be amended in section 2 by adding at the end of item 7100-0200 the words “; provided further, that not less than two hundred sixty-two thousand two hundred and eighty-seven dollars be expended for the purposes of the Mauricio Gaston institute of Latino community development and public policy; provided further, that not less than two hundred ninety-nine thousand two hundred and eighty-four dollars be expended for the purposes of research and analytical studies at the Monroe Trotter institute; provided further, that not less than two hundred thousand dollars be expended for the purposes of the institute for Asian-American studies;”.

The amendment was adopted.
There being no objection,— Messrs. Cohen of Newton, Businger of Brookline, Demakis of Boston, Tolman of Boston and Mannering of Boston moved that the bill be amended in section 2 by inserting after item 8000-0010 the following item:

“8000-0015 For the town of Brookline for extraordinary unexpected public safety expenses 150,000”.

The amendment was adopted.

There being no objection,— Messrs. Finneran of Boston and Rushing of Boston moved that the bill be amended by striking out sections 33 and 124; and by adding at the end thereof the following section:

“SECTION 266. The secretary of administration and finance in conjunction with the personnel administrator of the Department of Personnel Administration and the director of the Office of Employee Relations shall analyze and study the amount of sick, vacation, personal and compensatory time which is provided to any official or employee of any agency, board, or division of the commonwealth receiving moneys under section two, two A, two B or two C of the fiscal operating budget in order to develop an effective and efficient buyback policy concerning said benefits and evaluate the possibility of establishing a uniform buyback policy. The secretary shall file the results of said study with the house committee on ways and means and the joint committee on public service no later than sixty days after the effective date of this act.”.

The amendments were adopted.

There being no objection,— Representatives Hynes of Marshfield, Sullivan of Abington, Kulik of Worthington and Evans of Wayland moved that the bill be amended by adding at the end thereof the following section:

“SECTION 267. The definition of ‘Net school spending’ in section 2 of chapter 70 of the General Laws is hereby amended by inserting after the words ‘including teacher salary deferrals’ the following:— health insurance costs for retired teachers and other retired school employees as reported in the end of the year pupil and financial report submitted pursuant to the provisions of section three of chapter seventy-two of the General Laws, and that, notwithstanding any general or special act to the contrary, the Department of Education shall determine a foundation amount for the cost of health care insurance for retired school employees and shall include such amount in the calculation of the foundation budget beginning in fiscal year nineteen hundred and ninety-six.”.

After debate on the question adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes; and on the roll call 44 members voted in the affirmative and 103 in the negative.

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

Therefore the amendment was rejected.

Subsequently Mr. Kulik of Worthington 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 voted in the affirmative and I now find that due to a malfunction I was recorded as having voted in the negative when it was my full intention to have been recorded in the affirmative.

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

Mrs. Harkins of Neeham then moved that the bill be amended in section 2 by adding at the end of item 7052-0004 the words "; and provided further, that the town of Medfield shall be reimbursed three hundred seventy-seven thousand dollars"; by striking out, in said item, the figures "12,697,010" and inserting in place thereof the figures "13,074,159"; and by adding at the end thereof the following section:

"SECTION 267. Line item 2490-0017 of section 2A of chapter 273 of the acts of 1994 is hereby amended by inserting after the word 'regulations' in line eighteen thereof, the following:— ; provided further, that the commission is authorized and directed to expend the necessary amounts for the rehabilitation and restoration of the historic cheney bridge, so called, in the towns of Wellesley and Dover on the elm bank reservation under the care and control of the metropolitan district commission."

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. Locke of Wellesley; and on the roll call 118 members voted in the affirmative and 30 in the negative.

Therefore the amendments were adopted.

There being no objection,— Representatives Slattery of Peabody and Richie of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 268. The departments of mental health and mental retardation are hereby authorized and directed to provide, in any contract executed after July first, nineteen hundred and ninety-five with private human service providers who deliver residential services, that direct care employees shall receive a minimum annual salary as follows:— Those persons classified as direct care program staff I shall receive $16,500; and those persons classified as direct care program staff II shall receive $18,500. All subsequent contracts shall provide for an annual increase in such amounts by an amount equal to at least the annual cost of living adjustment.".

After debate Representatives Finneran of Boston and Parente of Milford moved, there being no objection, that the amendment be amended by striking out the text thereof and inserting in place thereof the following section:

"SECTION 268. The executive office of administration and finance is hereby authorized and directed to examine the compensation paid to direct care workers employed in the purchase of service system through contracts with the departments of mental health and mental retardation. Said executive office shall examine the basis for such compensation and any changes necessary thereto to encourage
continued quality in the provision of services on behalf of clients of said departments; provided, that said executive office shall take into consideration compensation paid for such services in other states and by other agencies of the commonwealth. Said executive office shall develop guidelines for implementation of adjusted compensation levels by said contracting agencies that discourage said agencies from using historic costs as the sole basis for negotiating contract renewals and to more closely reflect component pricing for direct care positions as set forth in the most current 'Component Price Catalog' as issued by the Division of Purchased Services. Said guidelines shall further encourage said agencies to consider said reexamined compensation levels when negotiating new contracts or contract renewals after fully identifying any administrative and other savings in such contracts to assist in the adjustment of compensation levels for direct care staff. Said guidelines shall be submitted to the house and senate committees on ways and means on or before the fourteenth day of December, nineteen hundred ninety-five."

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. Finneran; and on the roll call 93 members voted in the affirmative and 54 in the negative.

[See Yea and Nay No. 97 in Supplement.]

[Representatives Brenton of Burlington and Kaprielian of Watertown answered "Present" in response to their names.]

Therefore the further amendment was adopted, thus precluding a vote on the amendment offered by Representatives Slattery of Peabody and Richie of Boston.

There being no objection, — Representatives Cuomo of North Andover and Hyland of Foxborough moved that the bill be amended in section 2 by [A] inserting after item 8900-0100 the following item:

"8900-0200 For the designation of advocates to respond to questions and concerns of victims and witnesses, ensure that appropriate victim notification procedures are implemented, intervene on behalf of victims or witnesses who receive threatening or intimidating phone calls or correspondence from inmates, support and facilitate the use of victim and witness impact statements in post-conviction review, and develop and distribute materials describing the correctional system and the specific services for victims and witnesses. The Department of Corrections shall administer said program upon receipt of three hundred thousand dollars. The Department of Corrections shall administer said program in cooperation with the Executive Office of Public Safety, the Parole Board, the District Attorneys, the Attorney General and the Department of Youth Services so that said services are provided without duplication 300,000".
Pending the question on adoption of the amendment, Mr. Fagan of Taunton moved that it be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the following: "adding at the end of item 8900-0009 the words 'and provided further that not less than one hundred thousand dollars be expended for the designation of advocates to respond to questions and concerns of victims and witnesses, ensure that appropriate victim notification procedures are implemented, intervene on behalf of victims or witness who receive threatening or intimidating phone calls or correspondence from inmates, support and facilitate the use of victim and witness impact statements in post-conviction review, and develop and distribute materials describing the correctional system and the specific services for victims and witnesses. The Department of Corrections shall administer said program in cooperation with the Executive Office of Public Safety, the Parole Board, the District Attorneys, the Attorney General and the Department of Youth Services so that said services are provided without question"; and by striking out, in said item, the figures "3,345,909" and inserting in place thereof the figures "3,445,909"; and by striking out, in item 0900-0100, the figures "1,073,290" and inserting in place thereof the figures "973,290".

The further amendments were adopted, thus precluding a vote on the amendment offered by Representatives Cuomo and Hyland.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by adding at the end of item 4510-0100 the words "; and provided further, that not less than seven hundred fifty thousand dollars shall be expended for a system of case management and central intake for substance abuse treatment services in the city of Boston".

The amendment was adopted.

There being no objection,— Representatives DeFilippi of West Springfield and Chesky of Holyoke moved that the bill be amended in section 2 by inserting after item 4000-0800 the following item:

"For the payment of prior year final rate liabilities, so-called, to nursing facilities owed for the prospective rate years nineteen hundred and ninety-one, nineteen hundred and ninety-two, and nineteen hundred and ninety-three as calculated by the rate setting commission in accordance with 1) a judgment in superior court docket No. SUCV 93-00170 affirming the division of administrative law appeals appeal number RS-91-1449, and 2) in accordance with a settlement agreement before the division of administrative law appeals appeal numbers RS-93-1177, RS-93-536, RS-91-353; provided, that said payments shall be made within sixty days of enactment of this act; and provided further, that any amount unexpended from this account shall revert to the General Fund 2,000,000".

The amendment was adopted.
There being no objection, — Messrs. Brett of Boston and Rushing of Boston moved that the bill be amended in section 2 by adding at the end of item 4403-2000 the words "; provided further, that the department may enter into an interagency agreement for the purpose of allocating funds to the Massachusetts refugee resettlement program for certain individuals who otherwise would have been eligible to receive benefits under the aid to families with dependent children program or employment support program; and provided further, that notwithstanding the provisions of any general or special law or regulation to the contrary, those individuals eligible for benefits through the Massachusetts refugee resettlement program as a result of the interagency agreement shall not be eligible for benefits under chapters one hundred and seventeen A and one hundred and eighteen for a twelve month period from the date of their entry into the United States".

The amendment was adopted.

There being no objection, — Representatives Buell of Greenfield, Stefanini of Framingham, Jehlen of Somerville and Voke of Boston moved that the bill be amended in section 2, in item 4600-1200, by striking out, in lines 16 to 19, inclusive, the words "provided further, that the department shall close enrollment or promulgate regulations that adjust eligibility, benefits and other requirements to limit expenditures to the amount appropriated herein" and inserting in place thereof the words "provided further, that the department shall not adjust eligibility or benefits or promulgate regulations to disenroll any enrollees receiving benefits as of April first, nineteen hundred and ninety-five until such time as provisions are made to guarantee that all such enrollees shall continue to receive benefits, without interruption, either through this program, the medicaid program or the section 1115 research and demonstration medicaid waiver, MassHealth, so-called.".

The amendment was adopted.

Mr. Kollios of Millbury then moved that the bill be amended in section 2 by striking out, in item 4800-1100, the figures "72,890,058" and inserting in place thereof the figures "74,433,871"; and the amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2, in item 7010-0012, by striking out, in lines 1 and 2, the words "For grants to cities, towns, or regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance;" and inserting in place thereof the words "For the METCO program to provide grants to cities, towns, or regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance;".

The amendment was adopted.

Mr. Marzilli of Arlington then moved that the bill be amended by adding at the end thereof the following ten sections:

"SECTION 269. The fourth paragraph of chapter 60A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following two sentences:— An unregistered
motor vehicle or trailer operated under a test registration number plate by a repairman to whom has been issued a test registration and test registration number plate under section 5C of chapter 90, but not owned by said repairman, shall be exempt from the excise imposed by this section if and so long as such motor vehicle or trailer is operated or propelled over the highways solely in accordance with the provisions of said section 5C of said chapter 90. All other motor vehicles or trailers owned or operated by a repairman, whether operated under a test, commercial, tow or private passenger registration number plate, shall be subject to the excise imposed by this section.

SECTION 270. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in lines 193 and 194, the words 'equipping or towing' and inserting in place thereof the following words:— or equipping.

SECTION 271. Said section 1 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 353 and 354, the words 'unless said business is limited solely to the towing of motor vehicles or trailers for the public, said' and inserting in place thereof the following word:— said.

SECTION 272. Paragraph (a) of section 5 of said chapter 90, as so appearing, is hereby amended by striking out clause (3).

SECTION 273. Said chapter 90 is hereby further amended by inserting after section 5B the following section:—

Section 5C. (a) The registrar may issue test registrations and test registration number plates in such form as described in subsection (b) to a repairman who meets the eligibility requirements stated in subsection (c) and who certifies in writing under the pains and penalties of perjury that the test registration number plate will be used in compliance with the conditions of use stated in subsection (d).

(b) The registrar shall make rules and regulations relative to the issuance and display of test registrations and test registration number plates; provided, however, [A] that the test registration number plates are orange and that the number of plates issued does not exceed two or the number of repair bays at a facility, whichever is greater. In addition, repair shops involved exclusively in the repair and installation of glass will be eligible for one test plate. The test registration and the test registration number plates are to be renewed annually with the registrar.

(c) No repairman shall be eligible for a test registration and test registration number plate unless said repairman holds the necessary license or permit required by any federal, state or local law for engaging in said occupation, and provides truthful and complete information in the application for test registration and test registration number plate in the form prescribed by the registrar. No repairman shall be eligible for a test registration and test registration number plate unless he is principally engaged in performing major repairs affecting the functional mobility of a motor vehicle or trailer. Ineligible repairmen shall include, but shall not be limited to, those persons whose businesses principally involve work of the following types: decorative paint work; installation and repair of upholstery...
and interiors; and installation and repair of motor vehicle stereo equipment.

(d) Unless prohibited by this chapter or any rule or regulation of the registry, any motor vehicle or trailer operated by a repairman who has been issued a test registration which properly displays the valid corresponding test registration number plate shall be regarded as registered under this chapter; provided, however, that all of the following conditions of use are complied with:

1. No test registration plate shall be attached to any motor vehicle owned or leased by the repairman holding the test registration, or to any motor vehicle owned or leased by a member of said repairman’s immediately family, or to any motor vehicle owned or leased by an employee of said repairman, unless said individual is transporting a vehicle which contains a recent purchase order.

2. The motor vehicle or trailer operated under the test registration number plate shall not be operated for the personal use of the repairman holding the test registration and the test registration number plate nor for the personal use of his employees or his immediate family, but shall only be operated for the purposes of test driving a customer’s unregistered vehicle under functional repair, for transporting a customer’s unregistered vehicle or for transporting a recently purchased vehicle which contains a recent purchase order. A motor vehicle or trailer requiring repairs that are solely of a decorative or aesthetic nature, or repairs that do not affect the functional mobility of the motor vehicle or trailer shall not be operated under the test registration number plate.

3. The motor vehicle or trailer operated under the test registration number plate shall only be operated during repairman’s business hours or between the hours of six o’clock a.m. to eight o’clock p.m.

4. The test registration plate shall not be loaned or duplicated for any purpose. Individuals who duplicate a lost or stolen plate shall be in violation of this section.

5. The repairman or any of his authorized employees who operate a motor vehicle or trailer with a test registration plate in accordance with this section shall have in his possession documentation of the purpose for operation and the intended destination of the motor vehicle or trailer bearing the test registration number plate. Any repairman who violates the provisions of this subsection shall be punished as follows: for a first offense, a fine of one thousand dollars and a thirty-day suspension of plate; for a second offense, a fine of two thousand dollars and a sixty-day suspension of all plates; and for a third offense, a fine of three thousand dollars and permanent revocation of all plates. Law enforcement personnel of the commonwealth or the police of the city or town, or the assessors of the city or town in which the violation occurs shall immediately seize the plate. The registry shall promulgate rules and regulations that will provide violators notice and an opportunity to be heard within ten working days of the seizure of said plates.

(e) Whoever makes a false statement in an application for a test registration and test registration number plate shall be punished by a
fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than two years.

Section 5D. (a) The registrar may issue tow plates as described in subsection (b) to an individual who meets the eligibility requirements stated in subsection (c) and who certifies in writing under the pains and penalties of perjury that the test registration number plate will be used in compliance with the condition of use stated in subsection (d).

(b) The registrar shall make rules and regulations relative to the immediate issuance and display of tow plates and decals; provided, however, that the individual who has been issued the tow plates under this section applies to the registrar for a sticker or decal which indicates that said owner has complied with the requirements of chapters sixty-four H, sixty-four I and ninety D, with respect to each motor vehicle or trailer so registered. The tow plates shall be registered annually and the registrar is hereby directed to supply a list of all vehicles receiving decals for tow plates to the assessors in the municipalities across the commonwealth. Included in this list shall be the make, model, year, value, weight and vehicle identification number of every vehicle submitted no later than February first, nineteen hundred and ninety-four.

(c) No individual shall be eligible for a tow plate unless said individual holds the necessary license or permit required by any federal, state or local law for engaging in said occupation, and provides truthful and complete information in the application for the tow plate in the form prescribed by the registrar as long as proof of paid excise tax is provided. No individual shall be eligible for the tow plate unless he is principally engaged in the business of assisting or retrieving disabled motor vehicles which have been issued a certificate by the department of public utilities pursuant to paragraph (b) of section three of chapter one hundred and fifty-nine B.

(d) Unless prohibited by this chapter or any rule or regulation of the registry, any motor vehicle which has been issued a tow plate which properly displays the valid corresponding decal shall be regarded as registered under this chapter; provided, however, that all of the following conditions of use are complied with:

(1) No tow plate shall be attached to a vehicle with a gross vehicle weight of less than five thousand pounds.

(2) The tow plate shall not be operated for the personal use of the individual holding the tow plate nor for the personal use of his employees or his immediate family, but may only be operated for the purpose of towing a customer’s vehicle.

(3) The tow plate shall not be loaned or duplicated for any purpose. Individuals who duplicate a lost or stolen plate shall be in violation of this section.

(4) Any individual found in violation of the provisions of this subsection shall be punished as follows: for a first offense, a fine of [B] one thousand dollars and a thirty-day suspension of plate; a second offense, a fine of two thousand dollars and a sixty-day suspension of
all plates; and for a third offense, a fine of three thousand dollars and permanent revocation of all plates. Law enforcement personnel or the police of the city or town or the assessor(s) of the city or town in which the violation occurs shall immediately seize the plate. The registry shall promulgate rules and regulations that will provide violators notice and an opportunity to be heard within ten working days of the seizure of said plates.

(e) Whoever makes a false statement in an application for a tow plate shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than two years.

SECTION 274. Section 9 of said chapter 90, as appearing in the 1992 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— Any motor vehicle or trailer which is disabled and is being towed, assisted or retrieved by a motor vehicle which has been issued a certificate by the department of public utilities pursuant to paragraph (b) of section three of chapter one hundred and fifty-nine B and which displays a tow plate that has been properly assigned and issued by the registrar shall be deemed registered under section five D.

SECTION 275. Section 11 of said chapter 90, as so appearing, is hereby amended by inserting after the word 'repairmen', in line 5, the following words:— holding test registrations and test registration number plate pursuant to section five C.

SECTION 276. Section 33 of said chapter 90, as so appearing, is hereby amended by inserting after the word 'repairmen', in line 124, the following words:— holding a test registration and test registration number plate pursuant to section five C.

SECTION 277. Section 34C of said chapter 90, as so appearing, is hereby amended by striking out, in line 3, the words ‘for repairman’ and by inserting after the word ‘five’, in line 4, the following words:— or repairman applying for registration of motor vehicles under section five C.

SECTION 278. One hundred percent of the fines imposed by this chapter shall be paid over to the Treasury of the city or town where-in the offense was committed. If the enforcement agency is the State Police, one hundred percent of the fine shall be paid over to the State Treasurer and credited to the Highway Fund.”.

Pending the question on adoption of the amendment, Mr. Marzilli moved that it be amended in section 273 by striking out in subsection 5C(b) [at “A”] the words “that the test registration number plates are orange”; and by striking out in subsection 5D(d)(4) [at “B”] the words “one thousand dollars and a thirty-day” and inserting in place thereof the words “five hundred dollars and a twenty-day”. The further amendments were adopted.

The amendment, as amended, then also was adopted.

There being no objection,— Representatives Cuomo of North Andover and DiMasi of Boston moved that the bill be amended in section 2 by striking out, in item 8950-0002, the figures “154,306” and inserting in place thereof the figures “225,399”.

The amendment was adopted.
Mr. Teague of Yarmouth then moved that the bill be amended by adding at the end thereof the following thirty-eight sections:

"SECTION 279. The second paragraph of section 5 of chapter 62D of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, in line 27, the following sentence:—If the IV-D agency is the claimant agency, the notice shall state that the debtor may contest the validity and amount of the debt sought to be collected through set-off only in accordance with the provisions of section seventeen of chapter one hundred and nineteen A.

SECTION 280. The first sentence of section 6 of Chapter 62D of the General Laws, as so appearing, is hereby amended by inserting, in line 4, before the period, the following words:— ; provided, however, that if the IV-D agency is the claimant agency, an administrative review shall be conducted in accordance with the provisions of section seventeen of chapter one hundred and nineteen A.

SECTION 281. Section 6 of chapter 62D of the General Laws, as so appearing, is hereby further amended by inserting in line 5, after the word 'hearing' the following words:— or administrative review.

SECTION 282. Section 6 of chapter 62D of the General Laws, as so appearing, is hereby further amended by inserting, in line 9, after the word 'hearing' the following words:— or administrative review.

SECTION 283. Section 7 of chapter 62D of the General Laws, as so appearing, is hereby amended by inserting in the first sentence, before the period, the following words:— ; provided, however, that if the IV-D agency is the claimant agency, the debtor shall have the right to appeal said action only in accordance with the provisions of section seventeen of chapter one hundred and nineteen A.

SECTION 284. Section 2 of chapter 119A of the General Laws, as amended by sections 23, 24 and 25 of chapter 460 of the acts of 1993, is hereby further amended by striking out, in the last sentence of the first paragraph, the words 'the chief administrative justice of the trial court' and inserting in place thereof the following words:— the chief justice for administration and management.

SECTION 285. Section 5 of chapter 119A of the General Laws, as amended by section 28 of chapter 460 of the acts of 1993, is hereby further amended by striking out, in the second sentence of the second paragraph, the words 'may transfer' and inserting in place thereof the following word:— transfer.

SECTION 286. Section seven of chapter one hundred and nineteen A of the General Laws is hereby repealed and the following section inserted in place thereof:—

Section 7. (a) If the IV-D agency is providing services to an obligee or to an obliger, it may enforce an income assignment or a lien by sending notice of the assignment or lien to the child support enforcement agency of the jurisdiction in which the obliger derives income or owns property or, in the case of a wage assignment, directly to the obligor's employer or other source of income in that jurisdiction. The notice may be transmitted by any method including, but not limited to, paper, facsimile, magnetic tape or other electronic means. The notice shall be accompanied by a certification by
the IV-D agency that the information contained in the notice accurately reflects its records.

(b) Upon receiving notice of a subsequent modification, the IV-D agency shall send notice of the order as modified to the child support enforcement agency of the jurisdiction in which the obligor derives income, or to the obligor’s employer or other source of income.

SECTION 287. Section eight of chapter one hundred and nineteen A of the General Laws is hereby repealed and the following section inserted in place thereof:

Section 8. A child support enforcement agency in a jurisdiction outside the commonwealth may request the IV-D agency to enforce a child support order issued by a court or administrative agency in another jurisdiction or a lien arising under the law of another jurisdiction. The order or lien shall be accorded full faith and credit and the order or lien shall be enforced as if the order was issued or the lien arose in the commonwealth, without the necessity of registering the order with the court.

SECTION 288. Subsection (a) of section 12 of chapter 113A of the General Laws, as amended by section 32 of chapter 460 of the acts of 1993, is hereby further amended by inserting at the end thereof the following new sentence:— For the purposes of this chapter, the term employer shall mean any source of periodic income paid to an obligor.

SECTION 289. Subsection (b) of section 13 of chapter 113A of the General Laws, as amended by section 53 of chapter 460 of the acts of 1993, is hereby further amended by inserting in the first sentence, after the word ‘eight’ the following:— , two hundred and nine.

SECTION 290. Section 46A of chapter 152 of the General Laws, as amended by sections 18, 19, 20, 21 and 22 of chapter 161 of the acts of 1993, is hereby further amended by inserting after the first paragraph the following new paragraph:

If an employee owes past-due child support that is subject to a lien pursuant to section six of chapter one hundred and nineteen A, the IV-D agency may, at any time before an award of worker’s compensation benefits is paid or approval of a lump sum benefit is given, file with the division a claim for past-due child support out of the proceeds of such award or lump sum settlement. In those instances in which a claim is filed and upon satisfactory proof, the division or a member thereof shall order direct payment of the past-due child support to be made from such award or lump sum to the IV-D agency on behalf of the obligee to whom past-due support is owed.

SECTION 291. Section 46A of chapter 152 of the General Laws, as so amended, is hereby further amended by striking out, in the first sentence of the second paragraph, the word ‘both’ and inserting in place thereof the following:— the IV-D agency. 

SECTION 292. Section 46A of chapter 152 of the General Laws, as so amended, is hereby further amended by inserting, in the first sentence of the second paragraph after the first comma, the following words:— the agency.
SECTION 293. Subsection (e) of section 32F of chapter 209 of the General Laws, as amended by section 65 of chapter 460 of the acts of 1993, is hereby further amended by striking out, in subsection (e), the words 'and a showing of a substantial change of circumstances of parties and as the benefit of the spouse or child requires' and inserting in place thereof the following words:— pursuant to section thirty-seven of this chapter.

SECTION 294. Section 32F of chapter 209 of the General Laws, as so amended, is hereby further amended by inserting after subsection (g) the following new subsection:

(h) Any action pursuant to this chapter or chapter two hundred and seventy-three A that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon the filing of the following documents with the probate and family court:— (1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any. Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses as an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of the district or Boston municipal court departments.

SECTION 295. Subsection (d) of section 3 of chapter 209C of the General Laws, as amended by section 70 of chapter 460 of the acts of 1993, is hereby further amended by inserting, in the first sentence, after the words 'nineteen A' the following words:— or chapter two hundred and seventy-three A.

SECTION 296. Subsection (d) of section 3 of chapter 209C of the General Laws, as so amended, is hereby further amended by inserting in the second sentence, before the period, the following:— if any.

SECTION 297. Section 4 of chapter 209C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in the first sentence, the word 'complaints' and inserting in place thereof the following words:— Any actions.

SECTION 298. Section 4 of chapter 209C of the General Laws, as so appearing, is hereby further amended by striking out, in the first sentence, the words 'and written voluntary acknowledgments of parentage'.
SECTION 299. Subsection (c) of section 5 of chapter 209C of the General Laws, as so appearing, is hereby amended by inserting, in line 38, after the word 'welfare', a comma.

SECTION 300. Section 7 of chapter 209C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 1 through 4, in the second sentence and inserting in place thereof the following sentence:— The IV-D agency, as set forth in chapter one hundred and nineteen A, may appear on behalf of a plaintiff in an action to establish paternity.

SECTION 301. Subsection (a) of section 9 of chapter 209C of the General Laws, as amended by section 73 of chapter 460 of the acts of 1993, is hereby further amended by inserting after the fourth sentence the following new sentence:— A sum for past support shall be ordered in accordance with section one of this chapter.

SECTION 302. Subsection (f) of section 9 of chapter 209C of the General Laws, as added by section 75A of chapter 460 of the acts of 1993, is hereby amended by striking out, in the first sentence, the words 'chief administrative justice of the trial court' and inserting in place thereof the following words:— chief justice for administration and management.

SECTION 303. Subsection (a) of section 11 of chapter 209C of the General Laws, as so appearing, is hereby further amended by inserting, after the first sentence, the following sentence:— The acknowledgment shall be recognized as a sufficient basis for seeking an order for support without further proceedings to establish paternity.

SECTION 304. Subsection (a) of section 11 of chapter 209C of the General Laws, as so appearing, is hereby further amended by striking out, in the last sentence, the following words:— and shall be recognized as a sufficient basis for seeking an order for support without further proceedings to establish paternity.

SECTION 305. Subsection (b) of section 11 of chapter 209C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting in the second sentence, before the period, the following words:— in the judicial district or county in which the child and one of the parents lives.

SECTION 306. Subsection (b) of section 11 of chapter 209C of the General Laws, as so appearing, is hereby further amended by striking out, in the third sentence, the words ', in the manner described in (a)',.

SECTION 307. Section 17 of chapter 209C of the General Laws, as amended by sections 80, 81 and 82 of chapter 460 of the acts of 1993, is hereby further amended by striking out, in the fourth sentence, the words 'provided, however, such report shall only be admissible in accordance with accepted principles of science, statistics, and equity',.

SECTION 308. Section 18 of chapter 209C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 3, the words 'of section twelve'.

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SECTION 309. Section 20 of chapter 209C of the General Laws, as amended by section 83 of chapter 460 of the acts of 1993, is hereby further amended by striking out, in the first sentence, the word 'support'.

SECTION 310. Section 26 of chapter 218 of the General Laws, as amended by section 5 of chapter 24 of the acts of 1994, is hereby further amended by inserting after the words 'and one hundred and twenty-seven of chapter two hundred and sixty-six' the following words:— and sections one, fifteen and fifteen A of chapter two hundred and seventy-three.

SECTION 311. Subsection (4) of section one of chapter 273, as appearing in the 1992 Official Edition, is hereby amended by striking, in lines 12 through 13, the words 'financial ability and earning capacity' and inserting in place thereof the following words:— financial ability or earning capacity.

SECTION 312. Section 15 of chapter 273, as so appearing, is hereby amended by striking, in line 8, the words 'financial ability and earning capacity' and inserting in place thereof the following words:— financial ability or earning capacity.

SECTION 313. Subsection (1) of section fifteen A of chapter 273, as so appearing, is hereby amended by inserting in line 2, after the word 'imprisonment' the following words:— or by both fine and imprisonment.

SECTION 314. Subsection (2) of section fifteen A of chapter 273, as appearing in the 1993 Supplement, is hereby amended by striking the words 'shall be penalized by a fine not to exceed five thousand dollars or five years imprisonment in a state prison, or both.' and inserting in place thereof the following words:— shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine not more than five thousand dollars, or by both such fine and imprisonment.

SECTION 315. Subsection (3) of section fifteen A of chapter 273, as so appearing, is hereby further amended by striking the words 'shall be penalized by a fine not to exceed ten thousand dollars or ten years imprisonment in a state prison, or both.' and inserting in place thereof the following words:— shall be punished by imprisonment in the state prison for not more than ten years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine not more than ten thousand dollars, or by both such fine and imprisonment.

SECTION 316. Section 6 of chapter 273A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:— Any action pursuant to this chapter that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon
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the filing of the following documents with the probate and family court:— (1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any. Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses as an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of the district or Boston municipal court departments.”.

The amendment was adopted.

At twelve minutes after six o’clock P.M. (Thursday, April 13), on motion of Mr. Serra of Boston (the Speaker being in the Chair), the House recessed until the hour of seven o’clock P.M.; and at six minutes after seven o’clock the House was called to order with the Speaker in the Chair.

Mr. Bellotti of Quincy then moved that the bill be amended in section 2 by striking out, in item 7220-0004, the figures “1,464,114” and inserting in place thereof the figures “1,763,114”.

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by inserting after item 2100-1000 the following item:

“2100-2001 For an interstate firefighting revenue retention account; provided that the department is hereby authorized to expend an amount equal to the costs of overtime and shift hours worked by staff of the department of environmental management and the metropolitan district commission from reimbursements collected from the federal government for the costs of interstate firefighting; for the compensation of employees of the program for overtime and shift differential; provided further, that the department of environmental management shall create an allocation of funds for disbursement to the metropolitan district commission for like purposes; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, said department and commission may incur expenses and the comptroller may certify for payment amounts the lower of this authorization or the most recent revenue estimate as reported in the state accounting system 50,000’.”

The amendment was adopted.
Mrs. Menard of Somerset then moved that the bill be amended by inserting after section 75 the following five sections:

"SECTION 75A. Section 35 of chapter 123 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking from the third paragraph the words 'or at Framingham, if a female'.

SECTION 75B. Said section 35 of said chapter 123 is hereby amended by striking in the fourth paragraph the words 'and Framingham'.

SECTION 75C. Said paragraph four of said section 35 of said chapter 123 is hereby amended by striking the word 'institutions' and inserting in place thereof the word 'institution'.

SECTION 75D. Said section 35 of said chapter 123 is hereby amended by inserting at the end thereof the following:

The department of public health shall establish and maintain no less than fifteen secure treatment beds for females to meet the requirements of this section.

SECTION 75E. Section 7 of chapter 111B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended in the third paragraph by striking from the last sentence the following words 'or if any person is committed for rehabilitative purposes to the Massachusetts correctional institution, Bridgewater or to the Massachusetts correction institution, Framingham, he shall be required to remain for a period of not less than ten days'."

The amendment was adopted.

There being no objection,— Ms. Gardner of Holliston then moved that the bill be amended in section 2 by adding at the end of item 8900-0001 the words "; provided further, that the department shall expend no less than eight hundred thousand dollars for the purposes of establishing and operating two twelve-bed treatment units for females who are awaiting trial or who have been convicted of a crime and who are in need of detoxification and treatment for chemical dependency and/or alcoholism"; and by adding at the end thereof the following section:

"SECTION 317. Notwithstanding the provisions of any general or special law to the contrary, the department of corrections is hereby authorized and directed to establish two twelve-bed secure treatment units for females awaiting trial or who have been convicted of a crime and who are in need of detoxification and treatment for chemical dependency and/or alcoholism. The department shall establish the treatment units to meet the geographic needs of the commonwealth, using existing financial resources, shall establish said units on or before January first, nineteen hundred ninety-six."

The amendments were adopted.

Ms. Gardner then moved that the bill be amended in section 2 by inserting after item 0330-0300 the following item:

"0330-0310 For the administration and operational expenses of a Central Office of Intermediate Sanctions, and for the purposes of its functions in developing and overseeing programs of court-based alternative sentencing options 675,000."

The amendment was adopted.
There being no objection,— Representatives Peters of Charlton, Teague of Yarmouth, Haley of Weymouth, Coon of Andover and Cuomo of North Andover moved that the bill be amended by adding at the end thereof the following section:

"SECTION 318. Section 151 of Chapter 127, as appearing in the 1992 Official Edition of the General Laws, is hereby amended by adding the following new subsection:—

Upon the Office of the Commissioner of Probation receiving notice from a sending state that an offender who is on probation in that state, having been convicted of a violent felony will be residing in Massachusetts while on probation, the Office is required to do the following within 30 days of receiving such notice: (a) notify the local police department where the offender will be residing while in Massachusetts, and (b) notify the criminal histories systems board of such offender. The Office of the Commissioner of Probation shall provide to the local police department and the criminal histories systems board the following information on the offender: his first and last name, his social security number, his Massachusetts residence address, his date of birth, the nature of the offense for which he was placed on probation, as well as, the state and jurisdiction where the offender’s criminal records are held.”.

Pending the question on adoption of the amendment, Messrs. Teague, Haley and Peters moved that it be amended by adding at the end thereof the following section:

"SECTION 319. Section 87A of Chapter 276 of the General Laws, as most recently appearing in the 1992 Official Edition, is hereby amended by striking from the first and second sentences in the second paragraph the word ‘supervised,’ and further amended in the first sentence of the last paragraph of section 87A of said chapter by inserting after the word ‘and’ the following new words ‘seventy-five percent of the fees collected shall be,’, and further amended in section 87A of said chapter by adding at the end thereof the following new paragraph:—

There shall be established in every probation office of the Superior, Boston Municipal, District, and Juvenile Court Departments an Intermediate Sanction Fund Account. The designated fiduciary of each of the said courts shall be authorized to retain twenty-five percent of the probation fees collected monthly in said account. The Chief Probation Officer of each of the said courts shall serve as such fiduciary. Monies shall be expended from this account for the purchase of equipment and services for intermediate sanctions for probationers and may include but would not be limited to the purchasing of equipment and services for drug screens, equipment and services for electronic monitoring and on site drug evaluations and counseling. The chief probation officer of each said courts shall provide to the Office of Administration and Management of the Trial Court and to the Commissioner of Probation a detailed annual report of expenses from said fund.”. The further amendment was adopted.

The amendment offered by Messrs. Peters, et als, as amended, then also was adopted.
There being no objection,— Representatives Finneran of Boston, Flaherty of Cambridge, DiMasi of Boston, Haley of Weymouth, McIntyre of New Bedford and Fox of Boston moved that the bill be amended in section 2 by inserting after item 0321-1503 the following item:

"0321-1504 For the non-attorney cost of a Youth Advocacy Program, so-called .................................................. 153,800".

The amendment was adopted.

There being no objection,— Messrs. Stoddart of Natick, Businger of Brookline and Rushing of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 320. No tobacco product sold within the Commonwealth shall contain nicotine after the year 2002."

The amendment was adopted.

There being no objection,— Representatives Stoddart of Natick, Evans of Wayland, Businger of Brookline and Rushing of Boston moved that the bill be amended by adding at the end thereof the following section:

"SECTION 321. All tobacco products offered for sale in the Commonwealth shall after the year 2002 list on the exterior of their package every chemical and/or substance contained within said tobacco product."

The amendment was adopted.

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

"SECTION 322. Section 42 of chapter 75 of the General Laws, as inserted by section 96 of chapter 60 of the Acts of 1994, is hereby amended by striking out said section and inserting in place thereof the following section:—

Section 42. No start-up or maintenance and operation funds for the entities established in sections thirty-eight to forty-one, inclusive, shall be appropriated in any fiscal year from the Toxics Use Reduction Fund established in section two K of chapter twenty-nine. Said entities may receive grants from public and private sources, may impose fees, and may collect and retain revenue from fees and grants to defray the costs of their services and programs. All monies appropriated to the entities or received through grants, contracts, fees, gifts, bequests, and other sources shall be administered by the University of Massachusetts."

The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended in section 2 by inserting after item 0337-0002 the following item:

"0337-0003 For the statewide Juvenile Court expansion ................. 5,000,000".

The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended by striking out section 93. The amendment was adopted.

Mr. Teague of Yarmouth then moved that the vote be reconsidered by which the House adopted an amendment (offered by him and Mr. Guerriero of Melrose on Tuesday, April 11) that the bill be amended by adding at the end thereof the following section:
"SECTION 175. Section 321 of Chapter 94 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended, in line 5, by inserting after the word 'drinks', the following new words, 'ice teas,' and is hereby further amended by inserting in line seven after the words, 'malt beverages,' the following new words, 'and beverages known as “wine coolers”, so called'.

The aforementioned provisions shall take effect within six months of the passage of this act.”.

The motion to reconsider prevailed; and, on the recurring question, the amendment was rejected.

Mr. Finneran of Boston then moved that the bill be amended in section 2 by striking out, in item 0330-2410, the figures “311,200” and inserting in place thereof the figures “450,000”; by striking out item 0330-4100 and inserting in place thereof the following item:

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0330-4100 For a trial court vacancy pool; provided, that no funds appropriated herein shall be expended until the chief justice of administration and management has filed a spending plan with the legislature detailing the proposed use of said funds and said plan is approved by the legislature 4,000,000;
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by striking out item 0330-3700 and inserting in place thereof the following item:

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0330-3700 For the court interpreters program; provided, that not less than seventy-five thousand dollars shall be expended for compensation for two additional language interpreters 220,405;
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in section 84 by adding at the end thereof the words “; and is further amended by striking out in the third paragraph the words, ‘municipal court of the Brighton District’; and is further amended, in the fourth paragraph, by inserting after the words ‘third District court of Bristol’ the words:— municipal court of the Brighton District.”; and by adding at the end thereof the following section:

"SECTION 323. Notwithstanding any general or special law to the contrary, no supplemental funds shall be appropriated to fund any step increases or promotions for employees of the trial court or reclassifications of said employees that are in excess of what is appropriated in items 0330-0100 to 0339-2100, inclusive, of section 2 of this act.”.

The amendments were adopted.

Mrs. Cleven of Chelmsford then moved that the vote be considered by which the House, on Tuesday, April 11, rejected an amendment (offered by her and Ms. Khan of Newton) in section 2 by striking out, in item 4513-1111, the figures “500,000” and inserting in place thereof the figures [A] “1,000,000”; and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Mrs. Cleven moved that it be amended by striking out [at “A”] the figures “1,000,000” and inserting in thereof the figures “750,000”, and by striking out, in item 4590-0300, the figures “63,963,975” and inserting in place thereof the figures “63,713,975”. The further amendments were adopted.
The amendment offered by Mrs. Cleven, as amended, then was adopted.

There being no objection, — Mr. Finneran of Boston and other members of the House moved that the bill be amended in section 2 by striking out item 7061-0011 (previously inserted by amendment) and inserting in place thereof the following item:

"7061-0011 For a reserve to meet unanticipated or extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of this act and chapter seventy of the General Laws, in conjunction with unanticipated or extraordinary decreases in cherry sheet aid, so-called, for such municipalities; and for a reserve to assist regional school districts offset unanticipated funding losses that result from a member school district's extraordinary expenditures; provided, that a municipality seeking funds hereunder must first be denied a waiver by the department of revenue pursuant to section one hundred and twenty-one of this act; provided further, that, notwithstanding any general or special law to the contrary, assistance funded by this item shall only be available on a one-time non-recurring basis; provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year nineteen hundred and ninety-seven; provided further, that the commissioner of revenue shall issue a finding concerning such applications within thirty days of the receipt thereof, after consulting with the commissioner of education regarding the merits of said application; provided further, that a municipality shall categorically qualify for assistance from this item if, relative to fiscal year nineteen hundred and ninety-five, the municipality's minimum required contribution in fiscal year nineteen hundred and ninety-six increases by five percent or more and its chapter seventy aid decreases by five percent or more; and provided further, that a municipality qualifying for such relief shall be eligible to receive not less than the amount of chapter seventy aid that it received in fiscal year nineteen hundred and ninety-five; provided further, that notwithstanding any general or special law to the contrary, any difference between the chapter seventy distribution established by this act and the amount necessary to equal the chapter seventy distribution made available to Somerset, Buckland, and Charlemont, including their share of regional school chapter seventy aid, in fiscal year nineteen
hundred and ninety-five, shall be made available from this item; and provided further, that the following municipalities and their regional school districts shall be eligible for non-recurring assistance from this item in addition to the chapter seventy amounts available to said municipalities and regional school districts from item 7061-0088 pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>School District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agawam</td>
<td>Agawam</td>
<td>54,331</td>
</tr>
<tr>
<td>Randolph</td>
<td>Randolph</td>
<td>46,194</td>
</tr>
<tr>
<td>Abington</td>
<td>Abington</td>
<td>27,046</td>
</tr>
<tr>
<td>Georgetown</td>
<td>Georgetown</td>
<td>12,375</td>
</tr>
<tr>
<td>Merrimac</td>
<td>Pentucket</td>
<td>9,804</td>
</tr>
<tr>
<td>Freetown</td>
<td>Freetown</td>
<td>9,657</td>
</tr>
<tr>
<td>Dalton</td>
<td>Central Berkshire</td>
<td>9,271</td>
</tr>
<tr>
<td>Freetown</td>
<td>Freetown Lakeville</td>
<td>7,210</td>
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<td>Sturbridge</td>
<td>Tantasqua</td>
<td>6,577</td>
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<td>Milford</td>
<td>Blackstone Valley</td>
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<td>Ware</td>
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<td>5,382</td>
</tr>
<tr>
<td>Mansfield</td>
<td>Mansfield</td>
<td>4,104</td>
</tr>
<tr>
<td>Barre</td>
<td>Quabbin</td>
<td>4,020</td>
</tr>
<tr>
<td>Billerica</td>
<td>Billerica</td>
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<tr>
<td>Ashburnham</td>
<td>Ashburnham Westminster</td>
<td>3,270</td>
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<td>South Hadley</td>
<td>South Hadley</td>
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<td>Ashby</td>
<td>North Middlesex</td>
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<td>458</td>
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<td>Halifax</td>
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<tr>
<td>Halifax</td>
<td>Silver Lake</td>
<td>234</td>
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<tr>
<td>Buckland</td>
<td>Franklin County</td>
<td>218</td>
</tr>
<tr>
<td>Barre</td>
<td>Barre</td>
<td>172</td>
</tr>
<tr>
<td>Merrimac</td>
<td>Essex County</td>
<td>115</td>
</tr>
<tr>
<td>Monroe</td>
<td>Northern Berkshire</td>
<td>76</td>
</tr>
<tr>
<td>Mansfield</td>
<td>Southeastern</td>
<td>73...5,000,000&quot;;</td>
</tr>
</tbody>
</table>

and in section 3, as amended, by inserting after the word “contributions”, in line 43, the words “in fiscal year nineteen hundred and ninety-four”.

The amendments were adopted.

There being no objection, — Representatives Kulik of Worthington, Buell of Greenfield and Kelly of Dalton moved that the bill be amended in section 2, in item 8910-0000, by striking out, in lines 13 and 14, the words “five hundred twenty thousand one hundred and eighty-seven dollars shall be made available to Franklin county” and inserting in place thereof the words “eight hundred twenty thousand one hundred and eighty-seven dollars shall be made
available to Franklin county;" ; and by striking out, in said item, the figures "235,129,406" and inserting in place thereof the figures "235,429,406".

The amendments were adopted.

There being no objection, — Messrs. Finneran of Boston and Ruane of Salem moved that the bill be amended by adding at the end thereof the following section:

"SECTION 324. Section 4 of chapter 32A, as most recently amended by section 7 of chapter 499 of the acts of 1990, is hereby further amended by striking the last sentence of the second paragraph and inserting in place thereof the following sentence:— The group insurance commission shall not negotiate, purchase or execute contracts with any health maintenance organization, as defined by section one of chapter one hundred and seventy-six G, unless (1) the health maintenance organization participates in the medical assistance program established under chapter one hundred and eighteen E and, if accepted for such participation, enrolls recipients of such program in accordance with the contract between the division of medical assistance and the health maintenance organization and all other applicable laws and regulations, or (2) the division certifies to the commission that the health maintenance organization has made a good faith effort to participate in the medical assistance program.".

The amendment was adopted.

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

"SECTION 325. The department of education is hereby authorized and directed to study the effectiveness of the Reading Recovery Program, so-called, compared to the Chapter One Reading Program, so-called. Said study shall include, but not be limited to, an analysis of the feasibility and effectiveness of replacing the Chapter One Reading Program with the Reading Recovery Program. Said department shall submit its findings to the Joint Committee on Education, Arts and Humanities on or before March first, nineteen hundred and ninety-six.".

The amendment was adopted.

There being no objection,— Ms. Evans of Wayland and other members of the House moved that the bill be amended by adding at the end thereof the following section:

"SECTION 326. Section 89 of the General Laws, established by Chapter 71 of the Acts of 1993, is hereby amended by inserting after said section 89 the following new section:

Section 90. (a) Any school district which

(1) has assessment scores within the district over one hundred and twenty percent of the average state proficiency score for levels three and four of the nineteen hundred and ninety-four Massachusetts educational assessment program for each grade level within the district;

(2) is spending at over one hundred and ten percent of their foundation budget;
(3) has an annual drop-out rate of less than one percent, upon application to the commissioner of education, shall be determined to be an exemplary school district.

(b) Notwithstanding the provisions of any general or special law to the contrary, a municipality in which is sited an exemplary school district shall be relieved of any obligations under chapter seventy for said exemplary school district.

(c) The teachers, principals and administrators in an exemplary school district shall be relieved of any obligations under chapter seventy for said exemplary school district.

(d) An exemplary school district shall be relieved of any obligations to establish or maintain school councils or to maintain school hours or their school year in compliance with any regulations promulgated by the department of education.

(e) A school district which has applied for and received the designation an exemplary school district shall be ineligible for any grants for professional development time and learning grants or any funds for school councils.

After remarks the amendment was rejected.

Ms. Jehlen of Somerville then moved that the bill be amended in section 2 by adding at the end of item 4600-1054 the words “; provided that, notwithstanding any general or special law or regulations to the contrary, an acute hospital as defined in section one of chapter six B of the General Laws which, for hospital fiscal years nineteen hundred and ninety-two, nineteen hundred and ninety-three, nineteen hundred and ninety-four and nineteen hundred and ninety-five has been among the top five net recipients for said fiscal years of uncompensated care pool funds established pursuant to section fifteen of chapter one hundred and eighteen F of the General Laws shall have all liability to said pool extinguished and forgiven which any such hospital has or might otherwise have to said pool as a result of revenue compliance calculations established pursuant to the provisions of section fifty-six of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-four by the rate setting commission”.

The amendment was adopted.

There being no objection,—Mr. Businger of Brookline and other members of the House moved that the bill be amended in section 2 by inserting after item 1104-1000 the following item:

“1104-1020 For a reserve to meet the cost of providing salary increases for direct care employees of private human service providers that deliver residential services under contract with departments within the executive office of health and human services; provided, that funds expended from this reserve shall be directed to employees classified in contracts with the commonwealth as direct care program staff I and direct care program staff II; provided further, that no funds from this account shall be allocated to special education programs under chapter seventy-
one B of the General Laws; provided further, that funds may be transferred from this reserve account to other items of appropriation with the approval of the secretary of administration and finance in order to effectively implement this section; provided further, that no later than September first, nineteen hundred and ninety-five, the division of purchased services shall develop a plan for the allocation of funds from this item that shall ensure that the funds are used solely to implement this initiative; provided further, that no funds shall be allocated from this item until said division filed said plan with the executive office of health and human services, the budget bureau, the executive office for administration and finance, and the house and senate committees on ways and means; provided further, that said plan shall require that the total fiscal year nineteen hundred and ninety-six cost of the salary adjustments authorized under said plan do not exceed fifteen million dollars; and provided further, that said plan shall require that the annualized cost of this initiative shall not exceed fifteen million dollars ... 15,000,000";

and by inserting after item 4000-0230 the following item:

"4000-0240 For the purpose of a reserve for child care rate increases to address rate inequities and salary increases for all child care agencies receiving state subsidy including family child care and center-based child care for both contracted and voucher slots; provided, however, that said rate increases shall be reflective of salaries as established in state component pricing index and/or market rates as established in the statewide market rate survey conducted by the executive office of health and human services pursuant to chapter 60 of the acts of 1994 ...................... 10,000,000";

and by adding at the end thereof the following section:

"SECTION 326. Chapter 64C of the General Laws is hereby amended by inserting after section 7 the following section:—

Section 7A. (a) In addition to the excise imposed by sections six and seven, every licensee who is required to file a return under section sixteen of chapter sixty-two C shall, at the time of filing such return, pay to the commissioner an excise equal to four and one-half mills for each cigarette so sold during the calendar month covered by the return; provided, however, that cigarettes with respect to which the excise under this section has once been imposed and has not been refunded, if paid, shall not be subject upon a subsequent sale to the excise imposed by this section. In addition to the excise imposed by sections six and seven, each unclassified acquirer shall, at the time of filing a return required by said section sixteen of chapter sixty-two C, pay to the commissioner an excise equal to
...mills for each cigarette so imported or acquired and held for sale or consumption, and cigarettes with respect to which such excise has been imposed and has not been refunded, if paid, shall not be subject, when subsequently sold, to any further excise under this section. Notwithstanding the provisions of this section, the excise imposed by this section shall equal twenty-five percent of the price paid by such licensee or unclassified acquirer to purchase smokeless tobacco so sold, imported, or acquired.

(b) Except as the provisions of this section expressly provide to the contrary, all of the provisions of this chapter and of chapter sixty-two C relative to the assessment, collection, payment, abatement, verification, and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the excise imposed by this section.”.

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. Businger; and on the roll call 59 members voted in the affirmative and 88 in the negative.

[See Yea and Nay No. 98 in Supplement.] Therefore the amendments were rejected.

There being no objection,— Messrs. Rushing of Boston, Valianti of Marlborough and Cabral of New Bedford moved that the bill be amended in section 2, in item 4408-1000, by inserting after the word “person”, in line 10, the words “to elders formerly sponsored as legal permanent resident immigrants ineligible for Social Security benefits as a result of their sponsors income”.

The amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken yeas and nays, at the request of Mr. Hynes of Marshfield; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 99 in Supplement.] Therefore the bill was passed to be engrossed. Mr. Finneran of Boston moved that this vote be reconsidered; and, there being no objection, the motion to reconsider was considered forthwith and it was negatived. The bill (House, No. 5001, printed as amended) then was sent to the Senate for concurrence.

The House Bill relative to bond authorization to meet certain capital emergencies of the Commonwealth (House, No. 4817) was considered, the main question being on passing the bill to be engrossed.

Ms. Rogeness of Longmeadow moved that the bill be amended by inserting after section 8 the following section:

“SECTION 8A. Item 8000-7957 of section 2 of chapter 85 of the acts of 1994 is hereby amended by adding the following words:—

; and provided, further that reimbursement shall be made available from this item to any municipality which had purchased said fire fighting equipment after May first, nineteen hundred and ninety-four upon written proof of purchase.”.

The amendment was adopted.
There being no objection,—Messrs. Honan of Boston and Tolman of Boston moved that the bill be amended by inserting after section 8A (inserted by amendment) the following section:

"SECTION 8B. The metropolitan district commission is authorized and directed to expend an amount not to exceed three hundred forty-five thousand dollars from the General Capital Projects fund for the construction, repair and replacement of the roof at the Reilly Memorial skating rink in Brighton."

The amendment was adopted.

Mrs. Hahn of Westfield then moved that the bill be amended by inserting after section 8B (inserted by amendment) the following section:

"SECTION 8C. Item 7115-7891 in section 2E of chapter 164 of the acts of 1988 is hereby amended by striking out the wording and inserting in place thereof the following words:—For repairs and renovations to improve certain components of the electrical system, ADA access, fire alarm systems, and other health and safety related projects at Westfield State college."

The amendment was adopted.

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

"EXECUTIVE OFFICE OF EDUCATION.

7010-7958 For emergency repairs to the chapel at Framingham State College .................................................. 500,000"

The amendment was adopted.

Mr. Peters of Charlton then moved that the bill be amended by inserting after section 8C (inserted by amendment) the following section:

"SECTION 8D. Chapter four of the Acts of 1995 is hereby amended by adding at the end thereof the following new section:—

Section 7. Not less than two million dollars of the one hundred million dollars worth of bonds to be issued pursuant to section 14 of chapter four of the Acts of 1995 shall be appropriated to the Cafa Center in Southbridge to be distributed by the Massachusetts Office of Business Development."

The amendment was adopted.

Representatives Hawke of Gardner, Brewer of Barre, Hargraves of Groton, Lane of Holden and Simmons of Leominster moved, there being no objection, that the bill be amended in section 2 by inserting after item 7010-7958 (inserted by amendment) the following item:

"7010-7960 For the operation of the Vietnam Veterans Memorial Community Fitness and Wellness Center at Mount Wachusett Community College .................................................. 150,000"

The amendment was adopted.
Mr. Broadhurst of Methuen then moved that the bill be amended in section 2 by inserting after item 1102-3953 the following item:

"1102-3954 For the improvement of air quality at the Methuen High School Skating Rink ........................................ 30,000".

The amendment was adopted.

Mrs. Murray of Cohasset then moved that the bill be amended by inserting after section 8D (inserted by amendment) the following section:

"SECTION 8E. Section 2 of chapter 85 of the acts of 1994 is hereby amended in item 2150-9952 by adding the following:—provided, however, no less than one million dollars shall be expended for the dredging of Hingham Harbor; and by striking the figure "$10,000,000" and inserting in place thereof the following figure:—$11,000,000.".

The amendment was adopted.

Mr. Golden of Lowell then moved that the bill be amended in section 2 by inserting after item 1102-3954 (inserted by amendment) the following two items:

"1102-3955 For the city of Lowell for renovations necessary to convert the 4th Street fire station into a community center ........................................ 50,000; and

1102-3956 For the city of Lowell for renovations and repairs to the Smith Baker Senior Center ........................................ 50,000".

The amendment was adopted.

There being no objection,—Representatives Iannuccillo of Lawrence, Broadhurst of Methuen, Coon of Andover and Cuomo of North Andover moved that the bill be amended in section 2, in item 3722-9950, by adding at the end thereof the words "; and provided that not less than one million dollars be expended for such purposes in the city of Lawrence and the town of Methuen".

The amendment was adopted.

Mr. Finneran of Boston then moved that the bill be amended by inserting after section 8E (inserted by amendment) the following two sections:

"SECTION 8F. The state treasurer is hereby authorized and directed to transfer the sum of thirty million dollars to the water pollution abatement trust created pursuant to the provisions of chapter twenty-nine C of the General Laws for deposit in the water pollution abatement revolving fund established pursuant to the provisions of section two L of chapter twenty-nine of the General Laws for application by the trust to the purposes specified in section five of said chapter twenty-nine C any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the Federal Clean Water Act.

SECTION 8G. To meet the expenditures necessary in carrying out the provisions of section fifty-seven of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor
from time to time, not to exceed in the aggregate, the sum of thirty million dollars. All bonds issued by the commonwealth, as afore-said, shall be designated on their face, Local Water Pollution Control Loan and Grant Assistance, Act of 1995, and shall be issued for such maximum term of years not to exceed twenty years, as the governor may recommend to the general court pursuant to section three of article LXII of the amendments to the constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twenty-five. All interest and payments on account of principal and such obligation shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth."

The amendment was adopted.

The bill, as amended, then was passed to be engrossed. Mr. Finneran moved that this vote be reconsidered; and, there being no objection, the motion to reconsider was considered forthwith and it was negatived. The bill (House, No. 4867, printed as amended) then was sent to the Senate for concurrence.

Order.

On motion of Mrs. Menard of Somerset,—

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A. M.; when the House adjourns on Tuesday, it adjourn to meet on the following Thursday (April 20) at eleven o'clock A.M.; when the House adjourns on Thursday, it adjourn to meet on the following Monday (April 24) at eleven o'clock A. M.; when the House adjourns on Monday, it adjourn to meet on Wednesday (April 26) at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for the sittings of Tuesday, April 18, Thursday, April 20 and Monday, April 24.

At twenty-two minutes after nine o'clock P. M. (Thursday, April 13), on motion of Mrs. Menard (the Speaker being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A. M., in an Informal Session.
Tuesday, April 18, 1995.

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 depend upon You for guidance in our effort to legislate wisely in meeting the material and spiritual needs of the people. Help us to remain faithful to Your precepts and values and to our own constitutional responsibilities. Grant us the wisdom to evaluate conscientiously our legislative options. Teach us to respect the political views, the philosophical principles and the ethical values of others even when we disagree on fundamental principles. Guide our efforts to motivate people to be concerned with the common good as well as the future of our communities in these changing times.

Grant Your blessing to 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 enforcing the public employee strike prohibition (House, No. 4871) was filed in the office of the Clerk prior to today's sitting.

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

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Kujawski of Webster, petition (accompanied by bill, House, No. 4872) of Paul Kujawski (by vote of the town) for legislation to validate certain actions taken by the board of health of the town of Webster; and

By Mrs. Simmons of Leominster, petition (accompanied by bill, House, No. 4873) of Mary Jane Simmons and Robert A. Antonioni (with the approval of the mayor and city council) for legislation to authorize the city of Leominster to establish certain investment program funds;

Severally to the committee on Local Affairs.

By Mr. Brett of Boston, petition (accompanied by bill, House, No. 4874) of James T. Brett, Kevin G. Honan, A. Stephen Tobin, W. Paul White and Thomas M. Finneran (with the approval of the mayor and city council) relative to the certification and appointment
of Robert Charbonnier to the police department of the city of Boston. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Honan of Boston, petition (subject to Joint Rule 12) of Kevin G. Honan for legislation to establish within the Department of Education a pilot program which operates full-day kindergarten classes.

By Mr. Sullivan of Braintree, petition (subject to Joint Rule 12) of James E. Sullivan and others relative to further extending the time for which certain land in Norfolk County may be used as a temporary minimum security alternative correction center.

By Mrs. Walrath of Stow, petition (subject to Joint Rule 12) of Patricia A. Walrath and other members of the General Court relative to authorizing and directing the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Shirley to Daniel T. and Patricia A. Keady.

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

Papers from the Senate.

A Bill relative to victim assistance (Senate, No. 1853) (on Senate, No. 880), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports

Of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 684) of Marc R. Pacheco for legislation to regulate charges for care for individuals being served by the Department of Mental Retardation; and

Of the petition (accompanied by bill, Senate, No. 687) of Marc R. Pacheco for legislation to direct the Department of Mental Retardation to establish a comprehensive disability care center for southeastern Massachusetts at the Paul A. Dever State School in Taunton:

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

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

Reports

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

Of the petition (accompanied by bill, Senate, No. 383) of Stanley C. Rosenberg for legislation to permit municipal political committees to conduct raffles and bazaars,— and recommending that the same be referred to the committee on Government Regulations.
Of the petition (accompanied by proposal, Senate, No. 362) of Matthew J. Amorello for a legislative amendment to the Constitution to establish the elected position of Commissioner of Insurance for the Commonwealth of Massachusetts; and

Of the petition (accompanied by bill, Senate, No. 364) of Matthew J. Amorello and Louis L. Kafka for legislation to provide for the election of insurance commissioners of the Commonwealth;

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

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A petition (accompanied by bill, Senate, No. 1854) of Michael W. Morrissey, James A. Sheets, Michael G. Bellotti and Ronald Mariano (with the approval of the mayor and city council) for legislation relative to the operation of Quincy Hospital, 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. 1855) of W. Paul White for legislation relative to the State Office of Minority Business Assistance. To the committee on Commerce and Labor.

Petition (accompanied by bill, Senate, No. 1856) of W. Paul White for legislation relative to a physician loan forgiveness program. To the committee on Health Care.

Petition (accompanied by bill, Senate, No. 1857) of W. Paul White for legislation to ensure the proper discharge of real estate mortgages. To the committee on the Judiciary.

Petition (accompanied by bill, Senate, No. 1858) of Robert E. Travaglini and Emanuel G. Serra for legislation relative to the order of placement of a certain person on the civil service eligibility list for police officers. To the committee on Public Service.

Reports of Committees.

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

Petition (accompanied by bill) of Jo Ann Sprague for legislation to authorize the Registrar of Motor Vehicles to issue distinctive registration plates for members of the International Associations of Lions Clubs. To the committee on Public Safety.

Petition (accompanied by bill) of Brian S. Dempsey, James P. Jajuga and Harriett L. Stanley (with the approval of the mayor and municipal council) for legislation to authorize the city of Haverhill to establish a retirement system funding schedule. To the committee on Public Service.

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

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill relative to the funding of the Massachusetts preservation projects fund program within the office of the State Secretary (House, No. 3460). Read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bill.

The engrossed Bill authorizing the town of Provincetown to hold a recall election to coincide with the May second, nineteen hundred and ninety-five annual town election in the town of Provincetown (see House bill printed in House, No. 4776) (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.

Mr. Panagiotakos of Lowell then moved that as a mark of respect to the memory of James L. O'Dea, Jr., a member of the House from Lowell from 1949 to 1956, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty minutes after eleven o'clock A.M., the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
Thursday, April 20, 1995.

Met according to adjournment, at eleven o’clock A.M., in an Informal Session, 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:

Eternal God, Our Creator, we pray for the wisdom to govern fairly and to continue building trust in the democratic process and in our institutions. By our concern for an orderly and just society, help us as a society to respect and enhance the dignity of each individual person and thus diminish violence in our homes, schools and streets. Guide our efforts to increase employment opportunities for all and to motivate all to utilize their skills and talents for the benefit of both self and the community.

Grant Your blessings to 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.

A message from His Excellency the Governor recommending legislation relative to streamlining the unemployment insurance program (House, No. 4881) was filed in the office of the Clerk on Tuesday, April 18.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Commerce and Labor. 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 Mr. Brett of Boston) honoring an outstanding woman — Mrs. Elizabeth H. Allen; and

Resolutions (filed by Mrs. Cuomo of North Andover) congratulating Edith S. Thompson on the occasion of her eightieth birthday;

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

A communication from the Commissioner of Insurance (under Section 4(c) of Chapter 176K of the General Laws) relative to the Harvard Community Health Plan of New England, Inc.’s CarePlus product extension of its temporary exemption from the requirement to offer a prescription coverage product in order to participate in the market for Medicare beneficiary health insurance products, was placed on file.

Special Report.

A report of the Bureau of Special Investigations (submitted under authority of Section 15D(6) of Chapter 22 of the General Laws) for the month of March, 1995, was sent to the Senate for its information.

Petitions.

Ms. O’Brien of Hanover presented a petition (subject to Joint Rule 12) of Janet W. O’Brien for legislation to authorize the Department of Education to establish a sick leave bank for Joanne Laubach, an employee of said department; and the same was referred, under Rule 24, to the committee on Rules.

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

Ms. O’Brien of Hanover presented a petition (subject to Joint Rule 12) of Janet W. O’Brien for legislation to provide funds for the town of Rockland for the construction of a police station; and the same was referred, under Rule 24, to the committee on Rules.

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

Papers from the Senate.

A report of the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 541) of Lois G. Pines, Christine E. Canavan, Kay Khan, Barbara E. Gray and other members of the General Court for legislation to establish an office for women’s health;
Reports

Of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 612) of Frederick E. Berry, Warren E. Tolman, Dianne Wilkerson, Charles E. Shannon, Lois G. Pines, Steven Angelo, David P. Magnani and Mark C. Montigny for legislation relative to an investment by the Commonwealth in children's programs; and

Of the petition (accompanied by bill, Senate, No. 717) of Marian Walsh for legislation relative to training educators and health care providers in identifying and reporting child abuse and neglect; and

A report of the committee on State Administration, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1477) of Matthew J. Amorello for legislation to provide for the installation of assistive listening devices in all public places for use by individuals who are hard of hearing;

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

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

A report of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by resolve, Senate, No. 620) of Philip J. Shea that provision be made for a legislative review of a certain case history in the Department of Social Services, and recommending that the same be referred to the committees on Rules of the two branches, acting concurrently,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, 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 John F. Quinn, Marc R. Pacheco and Geoffrey D. Hall relative to the licensing of certain health and human service professions. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of M. Paul Iannuccillo for legislation to authorize the establishment of an automobile insurance fraud bureau. To the committee on Insurance.

Petition (accompanied by bill) of M. Paul Iannuccillo for legislation to authorize the Department of Highways to designate a certain bridge in the city of Lawrence as the Santo S. Nicolosi Bridge; and

Petition (accompanied by bill) of M. Paul Iannuccillo for legislation to designate the road presently known as Training School Road located in the city of Lawrence as Commonwealth Drive;

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

By Mr. Petrolati of Ludlow, for the committee on Local Affairs, that the recommitted Bill relative to procedures for city budgets (House, No. 2610) ought to pass.

Under suspension of Rule 41, on motion of Mrs. Simmons of Leominster, the bill was ordered to a third reading.

Under suspension of the rules, on further motion of Mrs. Simmons, the bill was read a third time forthwith.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 4875), which was read.

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

By Mr. Cahill of Beverly, for the committee on Natural Resources and Agriculture, on a petition, a Bill authorizing the South Essex Sewerage District to acquire easements for the construction of certain sewerage facilities within the city of Beverly (House, No. 3409), which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second and a third time forthwith.

The committee on Bills in the Third Reading reported 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. Cahill moved that the bill be amended by substitution of a bill with the same title (House, No. 4882), which was read.

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

By Mr. McDonough of Boston, for the committee on Insurance, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4140) of Carmen H. Buell and other members of the House for legislation to require that certain health care plans and policies cover payments for costs arising from speech, hearing and language disorders,— and recommending that the same be referred to the committee on Health Care. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Glodis of Worcester, for the committee on Election Laws, on Senate, Nos. 94, 370, 372, 374, 375, 379, 382, 387 and 389 and House, Nos. 708, 1092, 1093, 2547, 2548, 3104, 3530, 3531, 4277, 4591, 4592, 4593, 4594, 4595, 4596, 4597 and 4598, an Order relative to authorizing the committee on Election Laws to make an investigation and study of various Senate and House documents concerning the State Ballot Law Commission, voter registration, a
John F. Kennedy memorial election day, the financing of political campaigns and other related matters. (House, No. 4876). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, Nos. 2273 and 4014, a Bill to provide for a master plan for facilities consolidation and siting (House, No. 2273). Read; and referred, under Rule 33, to the committee on Ways and Means.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Kafka of Sharon (Mr. Cohen of Newton being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.
Monday, April 24, 1995.

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

Lord God, we pause for a moment to turn our thoughts and attention to You and to ask for guidance in personal and legislative matters. Grant us the intellectual and moral strength to make rational decisions, to remain faithful to You and to our own political, ethical and religious convictions. Inspire us to work together in meeting the legislative needs and expectations of the people during these uncertain times. By our commitment to sound values, fair legislation and an openness to new information, may we build confidence in the hearts and minds of the electorate for a more secure future.

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.

Resolutions.

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

Resolutions (filed by Representatives Binienda of Worcester, Chandler of Worcester, Glodis of Worcester, McManus of Worcester and Pedone of Worcester) congratulating Tom Barrow on being named Male Democrat of the Year by the Worcester Democratic City Committee;

Resolutions (filed by Representatives Binienda of Worcester, Chandler of Worcester, Glodis of Worcester, McManus of Worcester and Pedone of Worcester) congratulating Carolyn A. Grenier on being named Female Democrat of the Year by the Worcester Democratic City Committee;

Resolutions (filed by Representatives Binienda of Worcester, Chandler of Worcester, Glodis of Worcester, McManus of Worcester and Pedone of Worcester) congratulating Joseph E. McGuire on receiving the Life Time Achievement Award from the Worcester Democratic City Committee;

Resolutions (filed by Messrs. Brewer of Barre and Valianti of Marlborough) commending the United Way of Assabet Valley on the occasion of its silver anniversary;

Resolutions (filed by Messrs. Cahir of Bourne and Turkington of Falmouth) commending Carlo Pena, Sr., for his many contributions to the town of Falmouth;
Resolutions (filed by Ms. Chandler of Worcester) congratulating Fairman C. Cowan on receiving the Isaiah Thomas Award;

Resolutions (filed by Representatives Kaprielian of Watertown and Stoddart of Natick) memorializing the President of the United States to request the Turkish government acknowledge the genocide perpetrated against the Armenians;

Resolutions (filed by Mr. Keenan of Blandford) congratulating Rebecca Lobo of Southwick as the Naismith National Player of the Year, Big East Player of the Year and Scholar-Athlete of the Year;

Resolutions (filed by Ms. Kerans of Danvers) congratulating Harry J. Groblewski on receiving the Silver Dove Award for outstanding volunteer service to elders;

Resolutions (filed by Messrs. Tobin of Quincy, Bellotti of Quincy and Mariano of Quincy) honoring Quincy Community Action Programs, Inc., on its thirtieth anniversary;

Resolutions (filed by Mr. Travis of Rehoboth) congratulating Brett E. Marcotte on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mrs. Walrath of Stow) commending Donald B. Hyde, Jr., on the occasion of his laying down the gavel as Town Moderator in Stow;

Mr. Voke 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. Pedone, 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 Bridgewater Correctional Complex Kitchen located in the town of Bridgewater;

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

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Hampden County Sheriff's Department and Correctional Center located in the town of Ludlow;

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 Western Massachusetts Correctional Alcohol Center located in the city of Springfield;
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 (Cedar Junction) located in the town of Walpole;

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 Worcester County House of Correction located in the town of West Boylston; 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 R. F. Kennedy School located in the town of Westborough;

Severally sent to the Senate for its information.

Papers from the Senate.

A Bill relative to the refinancing of airport debt of the city of Worcester and extending the maximum period for the retirement of bonds issued in the future by the city of Worcester for airport purposes (Senate, No. 53) (on House, No. 4664), passed to be engrossed by the Senate, was read [Local Approval Received].

Under suspension of Rule 41, on motion of Mr. Binienda of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Pedone of Worcester, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: An Act relative to the issuance of bonds by the city of Worcester for airport purposes.

Bills

Providing for recall elections in the town of Townsend (Senate, No. 365) (on a petition) [Local Approval Received];

Directing the Superintendent of State Office Buildings to install and maintain a bust to honor the lasting contributions of Governor John A. Volpe (Senate, No. 1538) (on a petition); and

Designating the boardwalk on the grounds of the Lynn Heritage State Park as the “Mayor Antonio J. ‘Tony’ Marino Boardwalk” (Senate, No. 1813) (on a petition);

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

Reports of 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 James E. Sullivan and others relative to further extending the time for which certain land in Norfolk County may be used as a temporary minimum security
alternative correction center. Under suspension of Rule 42, on motion of Mr. Sullivan of Braintree, 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.

By Mr. Finneran of Boston, for the committee on Ways and Means, on a petition, a Bill relative to including the police station in the town of Rockland in the bond authorizations for certain emergency capital outlay projects for the Commonwealth (House, No. 4880), which was read.

Under suspension of the rules, on motion of Ms. O'Brien of Hanover, the bill was read a second and a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

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

Of the petition (accompanied by bill, House, No. 3347) of Steven Angelo that the Department of Public Health be authorized to evaluate the health risks posed by oil and hazardous materials releases;

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

Of so much of the recommendations of the Department of Mental Retardation (House, No. 191) as relates to community mental retardation programs (accompanied by bill, House No. 193);

Of the petition (accompanied by bill, House, No. 921) of Marie J. Parente and other members of the General Court relative to safety inspections of foster homes, adoption homes, and day care facilities licensed by the Office for Children and the Department of Social Services;

Of the petition (accompanied by bill, House, No. 1841) of Barbara E. Gray and other members of the General Court for legislation to establish a state-wide child tracking initiative for children and adolescents in the care of the Commonwealth;

Of the petition (accompanied by bill, House, No. 1999) of Kevin W. Fitzgerald and other members of the General Court for legislation to establish a division of child adolescent and family support services in the Department of Mental Retardation;

Of the petition (accompanied by bill, House, No. 2002) of Barbara Gardner and other members of the General Court relative to child care and early childhood education needs;

Of the petition (accompanied by bill, House, No. 3926) of James T. Brett and other members of the House for legislation to establish an office of quality assurance for mentally retarded persons;

Of the petition (accompanied by bill, House, No. 3929) of Sally P. Kerans and another relative to the minimum requirements for appointment as Commissioner of the Department of Social Services; and
Of the petition (accompanied by bill, House, No. 4132) of David B. Cohen and Paul Kollios for legislation to further regulate community services for certain patients of the Department of Mental Health and the Department of Mental Retardation;

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

Of the petition (accompanied by bill, House, No. 451) of Philip Travis, Bruce E. Tarr and Robert D. Hawke for legislation to protect the rights of private property owners;

Of the petition (accompanied by bill, House, No. 1612) of Steven Angelo relative to municipal officials and employees under the law regulating the conduct of public employees;

Of the petition (accompanied by bill, House, No. 1617) of Anthony M. Scibelli for legislation to authorize the Secretary of the Executive Office for Administration and Finance to grant certain funds to the city of Springfield for rehabilitation and expansion of the civic center of said city;

Of the petition (accompanied by bill, House, No. 2113) of Marie J. Parente, Edward G. Connolly and Mary Jeanette Murray relative to the establishment of a mental health trust;

Of the petition (accompanied by bill, House, No. 2660) of the Associated Industries of Massachusetts, Steven Angelo and other members of the General Court relative to the awarding of fees and costs to small business under the state administrative procedure law;

Of the petition (accompanied by bill, House, No. 2664) of Paul E. Caron for legislation to require the State Secretary to notify city and town clerks of changes in regulations affecting public health or safety;

Of the petition (accompanied by bill, House, No. 2821) of Myron Boluch relative to art in public buildings; and

Of the petition (accompanied by bill, House, No. 2831) of William P. Nagle, Jr., relative to works of art and certain payments to artists; and

By Mr. Brett of Boston, for the committee on Taxation, asking to be discharged from further consideration of the petition (accompanied by bill, House No. 4396) of M. Joseph Manning for legislation to exempt certain direct mail advertising from provisions of the sales tax;

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

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

By Mr. DiMasi of Boston, for the committee on Banks and Banking, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3298) of Joseph B. McIntyre and other members of the General Court relative to the investment of public funds by cities, towns, districts or regional school districts,— and recommending that the same be referred to the committee on Local Affairs;
By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4099) of Patricia D. Jehlen and Warren E. Tolman for legislation to prohibit Department of Education grants to entities which do not provide health insurance benefits to employees, — and recommending that the same be referred to the committee on Public Service; 

By Mr. Petrolati of Ludlow, for the committee on Local Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3382) of Peter J. Larkin for legislation to establish the Berkshire economic development authority, — and recommending that the same be referred to the committee on Commerce and Labor;

Of the petition (accompanied by bill, House, No. 4684) of Barbara E. Gray, Douglas W. Petersen, Stephen Kulik, Pamela P. Resor, Emile J. Goguen and another for legislation to establish a planning and development law for the Commonwealth, — and recommending that the same be referred to the committee on Natural Resources and Agriculture;

Of the petition (accompanied by bill, House, No. 4667) of Kevin G. Honan (with the approval of the mayor and city council) for legislation to authorize the appointment of fire cadets in the city of Boston, — and recommending that the same be referred to the committee on Public Service; and

Of the petition (accompanied by bill, House, No. 4686) of Timothy J. Toomey, Jr. (with the approval of the mayor and city council) for legislation to permit the city of Cambridge to exempt certain income producing assets from the eligibility requirements for tax abatements for elderly persons, — and recommending that the same be referred to the committee on Taxation.

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to victim assistance (Senate, No. 1853) ought to pass with certain amendments. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Bosley of North Adams, for the committee on Commerce and Labor, on House, Nos. 276 and 280, a Bill repealing the provisions of the Uniform Commercial Code covering bulk sales (House, No. 280).

By the same member, for the same committee, on House, Nos. 276 and 281, a Bill replacing the Uniform Fraudulent Conveyance Act with the uniform fraudulent transfer act (House, No. 281).
By the same member, for the same committee, on a petition, a Bill further regulating the disposition of certain charitable real estate (House, No. 1478).

By the same member, for the same committee, on a petition, a Bill prohibiting the sale of spray paint to minors (House, No. 2520, changed by striking out, in line 4, the word "twenty-one" and inserting in place thereof the word "eighteen").

By the same member, for the same committee, on a petition, a Bill regulating deceptive contest information (House, No. 2894).

By the same member, for the same committee, on a petition, a Bill relative to safety restraints in shopping carriages (House, No. 4249).

By Mr. Glodis of Worcester, for the committee on Election Laws, on a petition, a Bill relative to polling places (House, No. 530, changed by striking out, in line 7, the words "council in any other city").

By the same member, for the same committee, on House, Nos. 1493 and 4273, a Bill relative to absentee ballots for residents of nursing homes (House, No. 1493).

By the same member, for the same committee, on a petition, a Bill establishing uniform primary procedures for unenrolled voters (House, No. 3522).

By the same member, for the same committee, on a petition, a Bill providing for recall elections in the town of Southampton (House, No. 4599) [Local Approval Received].

By Mr. Petrolati of Ludlow, for the committee on Local Affairs, on a petition, a Bill relative to the trust fund commission of the town of Tewksbury (House, No. 368) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill further regulating the imposition of curfews in cities and towns (House, No. 1551, changed by striking out the two sentences contained in lines 8 to 18, inclusive, and inserting in place thereof the following three sentences:

"Notwithstanding any other provisions of this section, any person knowing or having reason to know of such a curfew and who violates any condition imposed by curfew under this paragraph may be detained in a secure facility and upon notification of parents or guardians of such detention, such person may be released to his parents or guardians with a warning and no criminal charges. Upon a conviction of a second violation within two years, the person will be reprimanded to his parents and ordered to report to the police chief or commissioner who will supervise the person performing thirty hours of community service. Upon conviction of a third offense any such person or his parents will pay a mandatory fine of three hundred dollars.")

By the same member, for the same committee, on a petition, a Bill relative to local by-laws and ordinances regulating antenna structures used by federally licensed amateur radio operators (House, No. 2782).

By the same member, for the same committee, on a petition, a Bill to strengthen neighborhood business districts (House, No. 3007).
By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the acts and proceedings of the 1994 annual town meeting in the town of Avon (printed in House, No. 3289).

By the same member, for the same committee, on a petition, a Bill relative to the filling of vacancies on the board of trustees for soldiers' memorials (House, No. 3773)

By the same member, for the same committee, on a petition, a Bill to extend time frames for appeals (House, No. 4170).

By the same member, for the same committee, on a petition, a Bill requiring accessory apartments to be included in local ordinances and bylaws (House, No. 4171).

By the same member, for the same committee, on a petition, a Bill to clarify the effective date of zoning ordinances (House, No. 4172).

By the same member, for the same committee, on Senate, No. 1077 and House, No. 4173, a Bill to allow cities and towns to permit open space development (House, No. 4173).

By the same member, for the same committee, on a petition, a Bill defining adjacent ways (House, No. 4175).

By the same member, for the same committee, on a petition, a Bill authorizing the town of Hadley to impose certain charges on ticket sales for admission to certain places of entertainment (House, No. 4504) [Local Approval Received] [Representative Murray of Cohasset dissenting].

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. 4506) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Easthampton to change the use of a certain parcel of land in said town (House, No. 4665) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill amending the authority of the city of Boston to grant a certain easement to the Boston Edison Company (House, No. 4668) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill further regulating the Baker Hill Road District in the town of Lanesborough (House, No. 4669) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to impact fees for the town of Franklin (House, No. 4778) [Local Approval Received].

By Mrs. Gray of Framingham, for the committee on Natural Resources and Agriculture, on a petition, a Bill to protect the environment through ensuring the proper disposal of low-level radioactive waste (House, No. 3969).

By Mr. Rushing of Boston, for the committee on Public Service, on House, Nos. 212 and 216, a Bill relative to initial enlistment of state police officers (House, No. 216).
By the same member, for the same committee, on House, Nos. 212 and 219, a Bill relative to the oath of office for a state police officer (House, No. 219).

By the same member, for the same committee, on House, Nos. 615 and 623, a Bill relative to the order of eligibility for police and fire service of spouses of certain police officers and firefighters (House, No. 615).

By the same member, for the same committee, on a petition, a Bill to amend the civil service law (House, No. 3218).

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Jose Cruz, an employee of the Department of Social Services (House, No. 4775).

By the same member, for the same committee, on House, No. 407, a Bill relative to injury during employment (House, No. 4888).

By the same member, for the same committee, on House, No. 3225, a Bill relative to county correctional officers (House, No. 4889) [Senator Morrissey dissenting].

By Mr. Thompson of Cambridge, for the same committee, on House, Nos. 419 and 989, a Bill to enhance the operation of the civil service law (House, No. 989).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill providing for the annual observance of October as Polish-American Heritage Month (House, No. 4215).

By the same member, for the same committee, on a petition, a Bill authorizing and directing the Superintendent of State Office Buildings to install and maintain a plaque in honor of the Massachusetts members of the World War II Eighth Air Force (House, No. 4542).

By the same member, for the same committee, on a petition, a Bill designating Johnny Appleseed as the official folk hero of the Commonwealth (House, No. 4549).

By the same member, for the same committee, on a petition, a Bill exempting the leasing of certain land in the town of Rockport from certain bidding laws (House, No. 4673) [Local Approval Received].

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

By Mr. Bosley of North Adams, for the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, House, No. 488) of John A. Businger for legislation to protect employees who report violations of state, local or federal laws.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 676) of John A. Businger for legislation to clarify the law relative to the granting of maternity leave for employees.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2129) of Patricia D. Jehlen for legislation to prohibit discrimination against part time and temporary employees.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3489) of Louis L. Kafka and other members of the General Court for legislation to date stamp hearing aid batteries for the purpose of indicating the shelf life expectancy.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4577) of Mary Jeanette Murray relative to the operation and maintenance of health clubs and further regulating service contracts of said clubs.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4676) of Daniel E. Bosley and Marc R. Pacheco relative to applications for grants by the Government Land Bank.

By Mr. Haley of Weymouth, for the committee on Criminal Justice, ought NOT to pass, on the petition (accompanied by bill, House, No. 2137) of Ronald Mariano for legislation to establish the crime and penalty for home invasion.

By Mr. Glodis of Worcester, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 2545) of Paul E. Caron relative to further regulating certain expenses in special elections held to fill vacancies in the General Court.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3703) of Daniel J. Valianti, John A. Businger, John E. McDonough and Pamela P. Resor relative to regulating contributions for ballot questions under the initiative and referendum procedure of the Constitution.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4110) of John C. Klimm for legislation to further regulate campaign contributions for the office of district attorney.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4276) of Mary Jeanette Murray and another relative to the date of the holding of the state primary election.

By Ms. Buell of Greenfield, for the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 550) of Joseph C. Sullivan for legislation to provide for the availability of a transportation reimbursement voucher system for persons requiring dialysis treatment for end stage renal disease.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 722) of Albert Herren for legislation to further regulate the determination of need law for hospitals and medical services.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 723) of Albert Herren for legislation to repeal the determination of need law for health care facilities.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 727) of Albert Herren for legislation to regulate the determination of need for health care facilities.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 729) of Albert Herren relative to temporary hospital privileges for physicians.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2166) of Patricia D. Jehlen relative to investigations of medical practices by the Board of Registration in Medicine.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 2732) of William P. Nagle, Jr., for an investigation by a special commission (including members of the General Court) relative to the structure, policies and practices of the Board of Registration in Medicine in the state of Oregon and the comparison of said board to the Massachusetts Board of Registration in Medicine.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3927) of Paul C. Casey, William G. Reinstein, Edward G. Connolly and another that the Department of Public Health be directed to require the licensing of home health agencies.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3927) of Paul C. Casey, William G. Reinstein, Edward G. Connolly and another that the Department of Public Health be directed to require the licensing of home health agencies.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 2732) of William P. Nagle, Jr., for an investigation by a special commission (including members of the General Court) relative to the structure, policies and practices of the Board of Registration in Medicine in the state of Oregon and the comparison of said board to the Massachusetts Board of Registration in Medicine.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4608) of Carl Kaliszewski for legislation to repeal the imposition of surcharges on certain licensing fees for the removal of lead paint.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4610) of Ronald Ordway for legislation to require the posting of names of management personnel of health care facilities.

By Mr. McDonough of Boston, for the committee on Insurance, ought NOT to pass, on the petition (accompanied by bill, House, No. 2038) of Paul R. Haley relative to health insurance coverage for inborn errors of amino acids and organic acids.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2039) of Paul R. Haley relative to health insurance for certain inherited diseases.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3939) of Paul C. Casey and another for legislation to improve the availability of construction surety bonds and authorizing the Commissioner of Insurance to approve a listing of sureties on construction projects in the Commonwealth.

By Mr. Petrolati of Ludlow, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 4176) of Barbara E. Gray, Emile J. Goguen and another relative to the extension of preliminary plans by local planning boards.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4178) of Barbara E. Gray, Stephen Kulik and Emile J. Goguen for legislation to make certain changes in the zoning and subdivision control laws and to further regulate the subdivision of certain land.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4349) of Janet Kett for legislation to require engineering plans prior to zoning or subdivision approval.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4505) of Edward M. Lambert, Jr., relative to councils on aging in cities and towns.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4624) of John C. Klimm relative to the assessment of certain betterments by homeowners association of residential subdivisions.

By Mr. Caron of Springfield, for the committee on Public Safety, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 212) as relates to the transfer of registrations for motor vehicles (accompanied by bill, House, No. 223).

By the same member, for the same committee, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 212) as relates to the issuance of Massachusetts identification cards (accompanied by bill, House, No. 224).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 793) of James R. Miceli for legislation to regulate the transfer of registrations for motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1207) of Douglas W. Stoddart relative to the issuance of hardship licenses by the Registry of Motor Vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1914) of Anne M. Paulsen, Barbara Gardner and Antonio F. D. Cabral that provision be made for a periodic annual staggered safety and combined safety and emissions inspection of all motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2082) of J. Michael Ruane relative to the issuance of general registration number plates for motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2408) of Thomas S. Cahir relative to the display of red and blue lights on motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2445) of Barbara Gardner for legislation to authorize the inscription "where learning lives" on motor vehicle license plates.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2803) of Kevin Kinsella relative to the requirement for removal of certificates of inspection from motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3431) of Robert A. DeLeo for legislation to provide that used car applications for registration be accompanied by proof of payment of excise taxes.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3600) of Louis L. Kafka and William R. Keating that the Registrar of Motor Vehicles be directed to issue registration plates for motor vehicles owned for collection purposes.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3601) of Louis L. Kafka and William R. Keating relative to the issuance of certain temporary motor vehicle registration plates.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3784) of William G. Greene, Jr., Robert A. Havern and Philip Travis for legislation to transfer certain functions from the Registry of Motor Vehicles to the cities and towns of the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3985) of Paul C. Casey relative to the issuance of identification cards to non-drivers by the Registry of Motor Vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4195) of Lida E. Harkins, Patricia D. Jehlen, Edward G. Connolly, Jo Ann Sprague and Janet W. O'Brien relative to the driving records of individuals operating under the influence of intoxicating liquor or controlled substances.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4364) of Mary Jane Simmons relative to the issuance of identification cards to certain persons by the Registrar of Motor Vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4523) of Jay R. Kaufman relative to persons operating motor vehicles with expired certificates of registration.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4529) of Maryanne Lewis for legislation to prohibit the Registrar of Motor Vehicles from issuing applications for the registration of motor vehicles to minors who have not attained the age of sixteen years and six months.

By Mr. Hodgkins of Lee, for the committee on State Administration, ought NOT to pass, on so much of the recommendations of the Department of Public Health (House, No. 204) as relates to the boards of trustees of Tewksbury State Hospital (accompanied by bill, House, No. 209).
Illegal immigrants,—costs.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2108) of Marie J. Parente and other members of the General Court relative to the payment of costs of illegal immigrants and the billing of such costs to the consulates of the countries of origin.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2822) of Kevin Kinsella relative to the Massachusetts code of registration.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4389) of Mary Jeanette Murray relative to the payment of certain bills to contractors and subcontractors by housing authorities.

By Mr. Brett of Boston, for the committee on Taxation, ought NOT to pass, on so much of the recommendations of the Department of Revenue (House, No. 255) as relates to making technical corrections to the estate tax (accompanied by bill, House, No. 259).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 456) of Robert Kraus for legislation to reduce the liability of taxpayers for purchases of certain capital goods.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 463) of Kevin Poirier relative to the deduction for property passing to a surviving spouse under the Massachusetts estate tax.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 465) of Kevin Poirier for legislation to increase the exemptions under the estate tax of the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 467) of Kevin Poirier relative to the taxation of business corporations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 477) of Nancy Sveden for legislation to exempt sales of telecommunication services made to military personnel in the Persian Gulf from the provisions of the sales tax.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 479) of Nancy Sveden for legislation to exempt sales of telecommunication services made to military personnel in combat zones from provisions of the sales tax.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 651) of Nowell P. Francis for legislation to establish a voluntary local aid fund from certain collections under the income tax law.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House No. 659) of William J. McManus II for legislation to abolish the capital gains tax.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 663) of William J. McManus II, Mary Jane Simmons and M. Paul Iannuccillo for legislation to extend the investment tax credit.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 666) of Robert A. Gibbons relative to the minimum corporate excise tax for certain newly organized domestic corporations.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 840) of John A. Businger for legislation to provide for payments in lieu of taxes to municipalities for certain properties exempt from taxation.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 842) of Vincent P. Ciampa for legislation to establish a navigational and safety fund from the tax on the sale of gas and Diesel fuel used for water crafts.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1037) of Walter A. DeFilippi and Daniel F. Keenan for legislation to exempt certain out-of-state sales from the sales tax of the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1250) of Mary Jeanette Murray for legislation to restore federal tax benefits.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1426) of John C. Klimm for legislation to make certain corrective changes in the tax laws of the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1619) of Kevin G. Honan for legislation to provide for payments to cities and towns in lieu of taxes by hospitals and universities.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1785) of J. Michael Ruane relative to exempting from the income tax law the income of persons in the armed forces of the United States who are stationed outside the Commonwealth.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2127) of Eric Turkington and another relative to certain documents filed concerning the Nantucket Islands land bank.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2494) of Philip Travis for legislation to exempt day camp services from the sales tax.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3828) of Daniel E. Bosley and Stephen Kulik relative to the establishment of a forest products trust fund.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4031) of William C. Galvin for legislation to further regulate the granting of real estate tax exemptions to surviving spouses of veterans.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4221) of John A. Businger for legislation to provide property tax relief for small businesses.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4222) of Gary M. Coon and other members of the General Court relative to the capital gains tax.

By Mr. Cahir of Bourne, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3282) of John A. Stefanini that the Turnpike Authority be prohibited from making expenditures for the third harbor tunnel.

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

At five minutes before twelve o’clock noon, on motion of Mrs. Parente of Milford (Mr. Cohen of Newton being in the Chair), the House adjourned, to meet on Wednesday next at eleven o’clock A.M.
Wednesday, April 26, 1995.

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

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

Gracious God, Our Creator, we believe in You, Your reality, and Your concern for our total well-being. We also believe that we are members of the one human family and endowed with an intellect, a free will and an eternal destiny. Grant us the wisdom to respect the dignity and rights of all people and to make our decisions according to Your precepts and our constitutional obligations. Guide us as individuals and as a society to resolve our political, philosophical and ethical differences in a reasoned and legal manner. Let our communities be safe, welcoming and beneficial for our young people.

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.

Messages from the Governor.

A message from His Excellency the Governor submitting requests for appropriations (under Section 7 of Chapter 150E of the General Laws) for the purpose of funding a certain collective bargaining agreement between the Commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO (Units 2, 8 and 10), and to establish a manager's merit pay reserve (House, No. 4894) was filed in the office of the Clerk on Monday, April 24.

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

A message from His Excellency the Governor recommending legislation relative to continuing certain accounts supporting capital projects (House, No. 4895) was filed in the office of the Clerk on Monday, April 24.

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.

Statement Concerning Representative Angelo of Brockton.

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

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

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

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting due to my official duties as chairperson of the committee on Public Safety. Any roll calls that I may miss today will be due entirely to the reason stated.

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

Statement Concerning Representative Kennedy of Brockton.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

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

Guest of the House.

Before proceeding to 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 Katherine "Kay" Dulong. Ms. Dulong has been nominated by the Governor for the prestigious 1995 United States Department of Justice Victim Service Award. The Speaker then presented her with resolutions of the House and congratulated Kay on her nomination for this award. She was the guest of Representatives Fennell of Lynn, Cuomo of North Andover and McGee of Lynn.

Resolutions.

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

Resolutions (filed by Mr. Bosley of North Adams) congratulating the city of North Adams on the one hundredth anniversary of the incorporation as a city;

Resolutions (filed by Mr. Broadhurst of Methuen) congratulating Brent Joseph LaRosa on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Connolly of Everett, Casey of Winchester and Reinstein of Revere) extending the condolences of the Massachusetts House of Representatives to the families of the victims of the Oklahoma City bombing;
Resolutions (filed by Mr. DeLeo of Winthrop) honoring the Winthrop High School boys basketball team on the occasion of its winning the Division III State Championship;

Resolutions (filed by Representatives Fennell of Lynn, Cuomo of North Andover and McGee of Lynn) congratulating Katherine "Kay" Dulong on her nomination for the nineteen hundred and ninety-five United States Department of Justice Victim Service Award;

Resolutions (filed by Mr. Kulik of Worthington) congratulating Ted N. Jeanloz on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Paulsen of Belmont and other members of the House) on the occasion of Bike to Work Week and Bicycle Month;

Resolutions (filed by Mr. Rogers of Norwood) honoring Mary Boyle on the occasion of her retirement; and

Resolutions (filed by Messrs. Wagner of Chicopee, DeFilippi of West Springfield, Murphy of Springfield and Petrolati of Ludlow) congratulating Regina A. Sullivan upon the occasion of her retirement;

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

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

Resolutions (filed by Mr. Businger of Brookline) requesting the Attorney General of the United States to investigate the airline industry’s imposition of a cap on travel agents’ commissions;

Resolutions (filed by Mrs. Walrath of Stow) congratulating Joy Collins on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mrs. Walrath of Stow) congratulating Meghan LeBlanc on receiving the Gold Award of the Girl Scouts of America; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Alison Stacey on receiving the Gold Award of the Girl Scouts of America;

Mrs. Menard of Somerset, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of 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.

Quarterly Report.

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

Petitions (having been returned by the State Secretary, under the provisions of Chapter 3 of the General Laws, with memoranda relative thereto) severally were referred, under Rule 24, as follows:

By Ms. Story of Amherst, petition (accompanied by bill, House, No. 4897) of Ellen Story and Stanley C. Rosenberg (by vote of the town) for legislation to authorize the town of Amherst to establish an economic development and industrial corporation. To the committee on Commerce and Labor.

By Mr. Petrolati of Ludlow, petition (accompanied by bill, House, No. 4896) of Thomas M. Petrolati and Anthony M. Scibelli for legislation to incorporate the Springfield Technical Community College assistance corporation. To the committee on Education, Arts and Humanities.

Severally sent to the Senate for concurrence.

A petition (accompanied by bill, House, No. 4903) of Steven C. Panagiotakos for legislation to provide for the establishment of the Massachusetts Gerontology Center, Inc., in the city of Lowell (deposited with the Clerk previously to five o'clock in the afternoon on Wednesday, December 7, 1994, transmitted to the State Secretary under the provisions of Chapter 3 of the General Laws, and under the provisions of Joint Rule 9 and having been returned by said State Secretary, with memorandum relative thereto) was referred, under Rule 24, to the committee on State Administration. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Toomey of Cambridge (by request), petition (accompanied by bill, House, No. 4898) of Kenneth E. Reeves (mayor) and others (with the approval of the mayor and city council) relative to holding elective municipal office in the city of Cambridge by individuals indicted for or convicted of criminal offenses. To the committee on Election Laws.

By Ms. Gardner of Holliston, petition (accompanied by bill, House, No. 4899) of Barbara Gardner and David P. Magnani (by vote of the town) relative to the appointment of a superintendent of streets by the board of selectmen of the town of Hopkinton;

By Mr. Koczera of New Bedford, petition (accompanied by bill, House, No. 4900) of Robert M. Koczera and Mark C. Montigny (by vote of the town) for legislation to authorize the town of Acushnet to design, develop, construct and equip a municipal golf course and clubhouse; and

By Mr. Lambert of Fall River, petition (accompanied by bill, House, No. 4901) of Edward M. Lambert, Jr. (by vote of the town) for legislation to validate a contract for the lease/purchase of computer equipment from Nexus Capital Resources, Inc. by the town of Westport;

Severally to the committee on Local Affairs.
By Mr. Stoddart of Natick, petition (accompanied by bill, House, No. 4902) of Douglas W. Stoddart (by vote of the town) for legislation to authorize the town of Natick to offer certain insurance plans to eligible employees. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Cahill of Beverly, petition (subject to Joint Rule 12) of Michael P. Cahill for legislation to designate the state tartan as the official tartan of the Commonwealth.

By Mr. Cahir of Bourne, petition (subject to Joint Rule 12) of Thomas S. Cahir relative to exempting certain parents from jury service.

By the same member, petition (subject to Joint Rule 12) of Thomas S. Cahir relative to the taxation of certain property of charitable organizations.

By Mr. Caron of Springfield, petition (subject to Joint Rule 12) of Paul E. Caron, Philip Travis, Stephen M. Brewer, William R. Keating, Paul Kollios and Michael R. Knapik relative to the termination of tenancies in mobile home parks.

By the same member, petition (subject to Joint Rule 12) of Paul E. Caron relative to the issuance of voter identification cards.

By Mrs. Cuomo of North Andover, petition (subject to Joint Rule 12) of Donna F. Cuomo and Paul R. Haley for legislation to further regulate criminal offender record information involving interstate compacts.

By Mr. Fennell of Lynn, petition (subject to Joint Rule 12) of Robert F. Fennell, Thomas M. McGee and Edward J. Clancy, Jr., relative to liens on burnt, dangerous or dilapidated buildings or structures which have been demolished or removed by municipalities.

By the same member, petition (subject to Joint Rule 12) of Robert F. Fennell, Thomas M. McGee and Edward J. Clancy, Jr., relative to authorizing municipal liens for certain unpaid fines.

By Mr. Glodis of Worcester, petition (subject to Joint Rule 12) of William F. Galvin, William J. Glodis, Jr., and Robert A. Bernstein for legislation to establish the date for presidential primaries on the first Tuesday in March in any year in which presidential electors are to be elected.

By Mr. Greene of Billerica, petition (subject to Joint Rule 12) of Thomas F. Reilly and William G. Greene, Jr., relative to criminal penalties for sexual misconduct by certain licensed caregivers.

By Mr. Haley of Weymouth, petition (subject to Joint Rule 12) of Thomas F. Reilly, Paul R. Haley and David P. Magnani relative to the suspension of licenses to operate motor vehicles of persons refusing to perform a field sobriety test.

By Mr. Hargraves of Groton, petition (subject to Joint Rule 12) of Robert S. Hargraves for legislation to authorize the Registrar of Motor Vehicles to issue distinctive registration plates for members of the United States Coast Guard Auxiliary.
By Mr. Kennedy of Brockton, petition (subject to Joint Rule 12) of Thomas P. Kennedy for legislation to increase the availability of protective gear for renters of roller skates.

By Mr. Koczera of New Bedford, petition (subject to Joint Rule 12) of William F. Galvin and Robert M. Koczera for legislation to regulate the time for filing applications for absentee voting ballots.

By Mr. Lambert of Fall River, petition (subject to Joint Rule 12) of Edward M. Lambert, Jr., for legislation to authorize the Department of Mental Health to establish a sick leave bank for Michael Sullivan, an employee of said department.

By Mr. Landers of Palmer, petition (subject to Joint Rule 12) of Patrick F. Landers III, Stephen M. Brewer, Robert D. Wetmore, David M. Peters and Mary S. Rogeness relative to the Tantasqua Regional School District.

By Mrs. Murray of Cohasset, petition (subject to Joint Rule 12) of Mary Jeanette Murray and others for legislation to authorize the Registrar of Motor Vehicles to issue distinctive registration plates for members of Lincoln Sailing Center, Inc.

By Mr. Murphy of Springfield, petition (subject to Joint Rule 12) of Dennis M. Murphy for legislation to classify certain county correctional employees in Group 4 of the public employees contributory retirement system.

By Mr. Petrolati of Ludlow, petition (subject to Joint Rule 12) of Thomas M. Petrolati for legislation to increase the terms of office for town accountants from three years to five years.

By the same member, petition (subject to Joint Rule 12) of Thomas M. Petrolati relative to authorizing contracts for municipal auditors and accountants.

By Mr. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Kevin Poirier for legislation to authorize the Department of Mental Retardation to establish a sick leave bank for Henry Wier, an employee of said department.

By Ms. Rogeness of Longmeadow, petition (subject to Joint Rule 12) of Mary S. Rogeness, Paul Kollios and another for legislation to require the registration of persons engaged in the business of installing and maintaining private water well systems.

By Mr. Stoddart of Natick, petition (subject to Joint Rule 12) of Douglas W. Stoddart and Christopher J. Hodgkins for legislation to regulate the awarding of contracts to the lowest instate bidders under the uniform procurement law.

By the same member, petition (subject to Joint Rule 12) of Douglas W. Stoddart relative to authorizing the West Suburban Health Group to offer group dental and group vision care insurance plans to employees.

By the same member, petition (subject to Joint Rule 12) of Douglas W. Stoddart relative to further regulating the delivery on payment of abandoned property to the Treasurer and Receiver-General of the Commonwealth.

By the same member (by request), petition (subject to Joint Rule 12) of Jack Parsons relative to the licensing of home inspectors and the certification by the Department of Public Safety.
By the same member, petition (subject to Joint Rule 12) of Douglas W. Stoddart for legislation to prohibit certain conduct on private property.

By the same member (by request), petition (subject to Joint Rule 12) of Michael A. Marcantonio relative to identification for the purchase of alcoholic beverages.

By the same member (by request), petition (subject to Joint Rule 12) of Leonard I. Shuman relative to providing for distinctive motor vehicle registration plates for members of the Veterans of Foreign Wars.

By Mr. Sullivan of Abington, petition (subject to Joint Rule 12) of Michael J. Sullivan for legislation to further regulate the availability of annual financial reports to owners of condominiums.

By Mr. Travis of Rehoboth, petition (subject to Joint Rule 12) of Philip Travis and another relative to the collection of motor vehicle excise taxes.

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

Papers from the Senate.

The House Bill establishing the central Massachusetts economic development authority (House, No. 4570) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 2 by adding at the end thereof the following paragraph: “The authority may acquire not more than three properties. The authority may at any time submit, to the house and senate committees on ways and means and to the joint committee on commerce and labor, a report proposing legislation authorizing the authority to acquire properties in addition to the three authorized herein. Any such report shall describe the following: properties acquired, response actions conducted, development activities, and income from the sale or lease of said properties.”;

In section 10 by adding at the end thereof the following paragraph: “Each municipality’s share of debt incurred by the authority shall be included in the calculation of the municipality’s debt limit under section ten of chapter forty-four of the General Laws, and no municipality’s total share of debt authorized to be issued by the authority shall exceed one-tenth of that municipality’s debt limit under said section ten. A city or town council or town meeting that approves, pursuant to the provisions of section eleven, a municipality’s participation in a debt-financed project of the authority shall approve a maximum dollar limit on the municipality’s participation and shall notify the director of accounts in accordance with section twenty-eight of said chapter forty-four within forty-eight hours of any votes approving participation in such projects of the authority. A municipality may rescind a vote to participate in an authority project at any time before debt is issued or contracts are entered into by the authority in reliance upon the municipality’s participation.”; and in section 11 by striking out the two sentences contained in lines 1 to 12, inclusive, and inserting in place thereof the following two
sentences: “The cost of the original response action, acquisition, design and construction of the industrial or commercial facilities shall be apportioned among the participating member cities and towns in accordance with the level of participation approved by said cities and towns. A ‘participant’ or ‘participating city or town’ shall mean a member which has been authorized by its city or town council or town meeting, by an affirmative vote of two thirds of the members present and voting, after a public hearing, and after recommendation by the chief executive of the municipality to the same extent that said recommendation would be required for an appropriation, to obligate the community to participate financially in a particular project, and said participation has been approved by the board.”.

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

A petition of Daniel P. Leahy, Robert S. Hargraves and Geoffrey D. Hall for legislation to further define state aid to public schools, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1870) was referred, in concurrence, to the committee on Education, Arts and Humanities.

Reports of Committees.

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

Petition (accompanied by bill) of Daniel E. Bosley and Byron Rushing for legislation to establish a code of corporate standards for companies having a business interest in or involvement with or in the People’s Republic of China. To the committee on Commerce and Labor.

Petition (accompanied by bill) of John H. Rogers for legislation to establish an early retirement incentive program for certain employees of the Commonwealth. To the committee on Public Service.

Petition (accompanied by bill) of Patricia A. Walrath and other members of the General Court for legislation to authorize the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Shirley to Daniel T. and Patricia A. Keady. To the committee on State Administration.

Under suspension of Rule 42, on motion of Mrs. Walrath of Stow, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.
By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on House, Nos. 2342, 2344, 2358, 2541, 3096, 3098, 3100, 3323, 3891, 4084 and 4268, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain House documents concerning state aid for public schools, school councils and school committees, regulating the Department of Education, Board of Education, membership of the Higher Education Coordinating Council and other related educational matters (House, No. 4890). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Rushing of Boston, for the committee on Public Service, on House, Nos. 1582, 1756 and 3818, a Bill relative to health insurance for part-time municipal employees (House, No. 4891). Read; and referred, under Rule 33, to the committee on Counties on the part of the House.

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill providing for a uniform public school entrance date (House, No. 4096, changed by striking out, in lines 18 and 19, the words "nineteen hundred and ninety" and inserting in place thereof the words "nineteen hundred and ninety-six"). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill pertaining to children of firefighters and police officers killed in the line of duty (House, No. 890).

By the same member, for the same committee, on a petition, a Bill relative to a community scholarship foundation demonstration project (House, No. 4440) [Estimated Cost: $100,000].

By Ms. Buell of Greenfield, for the committee on Health Care, on House, Nos. 36 and 85, a Bill relative to the Committee on Acupuncture (House, No. 85).

By the same member, for the same committee, on a petition, a Bill relative to the reporting of sexual misconduct by mental health professionals and health professionals (House, No. 2371).

By the same member, for the same committee, on a petition, a Bill to protect the health of children (House, No. 3114).

By the same member, for the same committee, on a petition, a Bill relative to the definition of “sole community provider” under Medicare regulations (House, No. 3724).
By the same member, for the same committee, on a petition, a Bill increasing the penalties for retailers selling tobacco products (House, No. 4459).

By the same member, for the same committee, on House, No. 2373, a Bill relative to informed consent (House, No. 4892).

By Mr. Rushing of Boston, for the committee on Public Service, on a petition, a Bill authorizing and directing the State Teachers' Retirement Board regarding the calculation of retirement benefits for Lorna Phillips (House, No. 3800).

By the same member, for the same committee, on House, Nos. 1594, 2261 and 3808, a Bill establishing a minimum pension (House, No. 3808).

By the same member, for the same committee, on a petition, a Bill relative to the retirement rights of employees of the Massachusetts Corporation for Educational Telecommunications (House, No. 3812).

By the same member, for the same committee, on House, Nos. 1599 and 2648, a Bill authorizing and directing the reinstatement of Barbara J. Garvey as a member in service in the teachers retirement system (House, No. 4893).

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

Engrossed Bill.

The engrossed Bill relative to the issuance of bonds by the city of Worcester for airport purposes (see Senate, No. 53) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Recess.

At twelve minutes after eleven o'clock A.M., on motion of Mr. Cohen of Newton, the House recessed until the hour of one o'clock P.M.; and at seven minutes after one o'clock the House was called to order.

Orders of the Day.

The House Bill relative to the setting of municipal licensing fees (House, No. 775), 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 relating to the requirement of approval for certain lands formally appurtenant to railroad right of ways (House, No. 2497) was ordered to a third reading.

Senate bills

Providing for recall elections in the town of Townsend (Senate, No. 365);
Directing the Superintendent of State Office Buildings to install and maintain a bust to honor the lasting contributions of Governor John A. Volpe (Senate, No. 1538); and
Designating the boardwalk on the grounds of the Lynn Heritage State Park as the “Mayor Antonio J. ‘Tony’ Marino Boardwalk” (Senate, No. 1813); and
House bills
Relative to initial enlistment of state police officers (House, No. 216);
Relative to the oath of office for a state police officer (House, No. 219);
Repealing the provisions of the Uniform Commercial Code covering bulk sales (House, No. 280);
Replacing the Uniform Fraudulent Conveyance Act with the uniform fraudulent transfer act (House, No. 281);
Relative to the trust fund commission of the town of Tewksbury (House, No. 368);
Relative to polling places (House, No. 530, changed);
Relative to the order of eligibility for police and fire service of spouses of certain police officers and firefighters (House, No. 615);
Further regulating the disposition of certain charitable real estate (House, No. 1478);
Relative to absentee ballots for residents of nursing homes (House, No. 1493);
Further regulating the imposition of curfews in cities and towns (House, No. 1551, changed);
Validating the acts and proceedings of the 1994 annual town meeting in the town of Avon (printed in House, No. 3289);
Relative to the filling of vacancies on the board of trustees for soldiers’ memorials (House, No. 3773);
To protect the environment through ensuring the proper disposal of low-level radioactive waste (House, No. 3969);
Requiring accessory apartments to be included in local ordinances and bylaws (House, No. 4171);
To clarify the effective date of zoning ordinances (House, No. 4172);
To allow cities and towns to permit open space development (House, No. 4173);
Providing for the annual observance of October as Polish-American Heritage Month (House, No. 4215);
Authorizing the town of Hadley to impose certain charges on ticket sales for admission to certain places of entertainment (House, No. 4504);
Establishing a liability insurance fund for the water department of the city of Springfield (House, No. 4506);
Authorizing and directing the Superintendent of State Office Buildings to install and maintain a plaque in honor of the Massachusetts members of the World War II Eighth Air Force (House, No. 4542);
Providing for recall elections in the town of Southampton (House, No. 4599);

Authorizing the town of Easthampton to change the use of a certain parcel of land in said town (House, No. 4665);

Amending the authority of the city of Boston to grant a certain easement to the Boston Edison Company (House, No. 4668);

Further regulating the Baker Hill Road District in the town of Lanesborough (House, No. 4669); and

Establishing a sick leave bank for Jose Cruz, an employee of the Department of Social Services (House, No. 4775);

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

House reports

Of the committee on Public Safety, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 212) as relates to the transfer of registrations for motor vehicles (accompanied by bill, House, No. 223); and

Of the same committee, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 212) as relates to the issuance of Massachusetts identification cards (accompanied by bill, House, No. 224);

Of the committee on State Administration, ought NOT to pass, on so much of the recommendations of the Department of Public Health (House, No. 204) as relates to the boards of trustees of Tewksbury State Hospital (accompanied by bill, House, No. 209); and

Of the committee on Taxation, ought NOT to pass, on so much of the recommendations of the Department of Revenue (House, No. 255) as relates to making technical corrections to the estate tax (accompanied by bill, House, No. 259);

Severally were accepted. Severally sent to the Senate for concurrence.

House reports

Of the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, House, No. 488) of John A. Businger for legislation to protect employees who report violations of state, local or federal laws;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 676) of John A. Businger for legislation to clarify the law relative to the granting of maternity leave for employees;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2129) of Patricia D. Jehlen for legislation to prohibit discrimination against part time and temporary employees;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3489) of Louis L. Kafka and other members of the General Court for legislation to date stamp hearing aid batteries for the purpose of indicating the shelf life expectancy; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4676) of Daniel E. Bosley and Marc R. Pacheco relative to applications for grants by the Government Land Bank;

Of the committee on Criminal Justice, ought NOT to pass, on the petition (accompanied by bill, House, No. 2137) of Ronald Mariano for legislation to establish the crime and penalty for home invasion;

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 2545) of Paul E. Caron relative to further regulating certain expenses in special elections held to fill vacancies in the General Court; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4110) of John C. Klimm for legislation to further regulate campaign contributions for the office of district attorney;

Of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 550) of Joseph C. Sullivan for legislation to provide for the availability of a transportation reimbursement voucher system for persons requiring dialysis treatment for end stage renal disease;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 722) of Albert Herren for legislation to further regulate the determination of need law for hospitals and medical services;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 723) of Albert Herren for legislation to repeal the determination of need law for health care facilities;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 727) of Albert Herren for legislation to regulate the determination of need for health care facilities;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 729) of Albert Herren relative to temporary hospital privileges for physicians;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2166) of Patricia D. Jehlen relative to investigations of medical practices by the Board of Registration in Medicine;

Of the same committee, ought NOT to pass, on the petition (accompanied by resolve, House, No. 2732) of William P. Nagle, Jr., for an investigation by a special commission (including members of the General Court) relative to the structure, policies and practices of the Board of Registration in Medicine in the state of Oregon and the comparison of said board to the Massachusetts Board of Registration in Medicine;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3927) of Paul C. Casey, William G. Reinstein, Edward G. Connolly and another that the Department of Public Health be directed to require the licensing of home health agencies;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4608) of Carl Kaliszewski for legislation to repeal the imposition of surcharges on certain licensing fees for the removal of lead paint; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4610) of Ronald Ordway for legislation to require the posting of names of management personnel of health care facilities;

Of the committee on Insurance, ought NOT to pass, on the petition (accompanied by bill, House, No. 2038) of Paul R. Haley relative to health insurance coverage for inborn errors of amino acids and organic acids;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2039) of Paul R. Haley relative to health insurance for certain inherited diseases; and

Of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 4176) of Barbara E. Gray, Emile J. Goguen and another relative to the extension of preliminary plans by local planning boards;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1914) of Anne M. Paulsen, Barbara Gardner and Antonio F. D. Cabral that provision be made for a periodic annual staggered safety and combined safety and emissions inspection of all motor vehicles;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2803) of Kevin Kinsella relative to the requirement for removal of certificates of inspection from motor vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3431) of Robert A. DeLeo for legislation to provide that used car applications for registration be accompanied by proof of payment of excise taxes;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3600) of Louis L. Kafka and William R. Keating that the Registrar of Motor Vehicles be directed to issue registration plates or motor vehicles owned for collection purposes;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3601) of Louis L. Kafka and William R. Keating relative to the issuance of certain temporary motor vehicle registration plates;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3784) of William G. Greene, Jr., Robert A. Havern and Philip Travis for legislation to transfer certain functions from the Registry of Motor Vehicles to the cities and towns of the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3985) of Paul C. Casey relative to the issuance of identification cards to non-drivers by the Registry of Motor Vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4364) of Mary Jane Simmons relative to the issuance of identification cards to certain persons by the Registrar of Motor Vehicles;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4523) of Jay R. Kaufman relative to persons operating motor vehicles with expired certificates of registration;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4529) of Maryanne Lewis for legislation to prohibit the Registrar of Motor Vehicles from issuing applications for the registration of motor vehicles to minors who have not attained the age of sixteen years and six months; and

Of the committee on State Administration, ought NOT to pass, on the petition (accompanied by bill, house, No. 2108) of Marie J. Parente and other members of the General Court relative to the payment of costs of illegal immigrants and the billing of such costs to the consulates of the countries of origin; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2822) of Kevin Kinsella relative to the Massachusetts code of registration;

Of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 477) of Nancy Sveden for legislation to exempt sales of telecommunication services made to military personnel in the Persian Gulf from the provisions of the sales tax;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 479) of Nancy Sveden for legislation to exempt sales of telecommunication services made to military personnel in combat zones from provisions of the sales tax;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 651) of Nowell P. Francis for legislation to establish a voluntary local aid fund from certain collections under the income tax law;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 659) of William J. McManus II for legislation to abolish the capital gains tax;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 663) of William J. McManus II, Mary Jane Simmons and M. Paul Iannuccillo for legislation to extend the investment tax credit;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 666) of Robert A. Gibbons relative to the minimum corporate excise tax for certain newly organized domestic corporations;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 840) of John A. Businger for legislation to provide for payments in lieu of taxes to municipalities for certain properties exempt from taxation;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 842) of Vincent P. Ciampa for legislation to establish a navigational and safety fund from the tax on the sale of gas and Diesel fuel used for water crafts;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1426) of John C. Klimm for legislation to make certain corrective changes in the tax laws of the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1619) of Kevin G. Honan for legislation to provide for payments to cities and towns in lieu of taxes by hospitals and universities;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1785) of J. Michael Ruane relative to exempting from the income tax law the income of persons in the armed forces of the United States who are stationed outside the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2127) of Eric Turkington and another relative to certain documents filed concerning the Nantucket Islands land bank;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2494) of Philip Travis for legislation to exempt day camp services from the sales tax;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3828) of Daniel E. Bosley and Stephen Kulik relative to the establishment of a forest products trust fund;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4031) of William C. Galvin for legislation to further regulate the granting of real estate tax exemptions to surviving spouses of veterans; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4221) of John A. Businger for legislation to provide property tax relief for small businesses; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3282) of John A. Stefanini that the Turnpike Authority be prohibited from making expenditures for the third harbor tunnel;

Severally were accepted.

The motion of Miss Barsom of Wilbraham, that the vote be reconsidered by which the House, on Tuesday, April 4, accepted the House report of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 546) of John H. Rogers and other members of the House relative to patients' rights on obtaining information of increased risks of breast cancer in abortion proceedings, was considered.

Pending the question on the motion to reconsider, further consideration thereof was postponed, on motion of Mr. Rogers of Norwood, until Monday, May 1.

The House Bill establishing special license plates commemorating one hundred years of volleyball (House, No. 4803) 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, Ms. Chesky of Holyoke moved that it be amended by substitution of a Bill providing for distinctive registration plates commemorating the Volleyball Hall of Fame (House, No. 4904), which was read.

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

The House Bill designating Johnny Appleseed as the official folk hero of the Commonwealth (House, No. 4549) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Ways and Means, on motion of Mr. Finneran of Boston.
The House report of the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, House, No. 4577) of Mary Jeanette Murray relative to the operation and maintenance of health clubs and further regulating service contracts of said clubs, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Bosley of North Adams.

The House report of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 3703) of Daniel J. Valianti, John A. Businger, John E. McDonough and Pamela P. Resor relative to regulating contributions for ballot questions under the initiative and referendum procedure of the Constitution, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Glodis of Worcester.

The House report of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 4505) of Edward M. Lambert, Jr., relative to councils on aging in cities and towns, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Lambert of Fall River.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 2445) of Barbara Gardner for legislation to authorize the inscription "where learning lives" on motor vehicle license plates, was considered.

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

The House report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 1037) of Walter A. DeFilippi and Daniel F. Keenan for legislation to exempt certain out-of-state sales from the sales tax of the Commonwealth, was considered.

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

Quorum.

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

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 133 members were recorded as being in attendance.

[See Yea and Nay No. 100 in Supplement.]

Therefore a quorum was present.
Report of a Committee.

There being no objection,—Mrs. Parente of Milford, for the committee on Federal Financial Assistance, on a petition, Resolutions memorializing the Congress of the United States to refrain from reducing the funding for public television and radio (House, No. 4760, changed by inserting after the word "television", in lines 1, 3, 6, 10 and 16, and also in the title, the words "and radio").

Under suspension of Rule 41, on motion of Mr. Angelo of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

After debate on the question on adoption of the resolutions (Mr. Voke of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call 113 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 101 in Supplement.]

[Representatives Evans of Wayland and and Hahn of Westfield answered "Present" in response to their names.]

Therefore the resolutions were adopted. Sent to the Senate for concurrence.

Orders of the Day.

The House Bill informing consumers of radon hazards in the home (House, No. 1170) 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. Cohen of Newton moved that it be amended by substitution of a Bill requiring notice to purchasers of residential property of radon hazards (House, No. 4905), which was read.

After debate on the question on adoption of the amendment, Mr. Peters of Charlton moved that the subject-matter be recommitted to the committee on Natural Resources and Agriculture.

After debate on the motion to recommit, the sense of the House was taken by yeas and nays, at the request of Mr. Peters; and on the roll call 34 members voted in the affirmative and 111 in the negative.

[See Yea and Nay No. 102 in Supplement.]

Therefore the motion to recommit was negatived.

The amendment, offered by Mr. Cohen, then was adopted; and the substituted bill (House, No. 4905) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill further regulating school budgets in cities (House, No. 2145) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Jehlen of Somerville moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:
"Section 2 of chapter 329 of the acts of 1987 is hereby amended by striking out everything after the word 'manner:' appearing in line 3 and inserting in place thereof the following:— by a two-thirds vote of the city council.

The amendment was adopted; and the bill (House, No. 2145, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill concerning ambulance services provided to Medicare beneficiaries (House, No. 4657) was read a third time.

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

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

The House Bill relative to health care professionals (House, No. 1517, changed) was considered.

Pending the question on ordering the bill to a third reading, Mr. Teague of Yarmouth moved that it be amended by adding at the end thereof the following paragraph:

"Notwithstanding any general or special law to the contrary, athletic trainers as described in this act shall not be eligible for third party reimbursements."

The amendment was adopted; and the bill (House, No. 1517, changed and amended) was ordered to a third reading.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1904) of Frank M. Hynes that state police cruisers be required to have two troopers on night patrols, was considered.

The amendment previously offered by Mr. Hynes of Marshfield,— that the report be amended by substitution of the Bill providing for two men state police night patrols (House, No. 1904), — also was considered.

After remarks the amendment was rejected; and the report was accepted.

The House Bill relative to throwing or dropping objects on a public way (House, No. 2336) was ordered to a third reading.

The House Bill providing the criminal records of certain persons to the Department of Elder Affairs (House, No. 4467) was considered.

Pending the question on ordering the bill to a third reading, Mr. Kollios of Millbury moved that it be amended by substitution of a Bill relative to criminal offenders records (House, No. 4906), which was read. The amendment was adopted.

Pending the question on ordering the substituted bill to a third reading, it was referred, under Rule 33, to the committee on Ways and Means.
The House Bill relative to the transfer of a certain bridge in the town of Billerica to the Department of Highways (House, No. 4559) was considered.

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

The Senate Bill relative to victim assistance (Senate, No. 1853) was read a second time.

The amendments previously recommended by the committee on Ways and Means, — that the bill be amended in section 1 by inserting after the word “shall”, in line 11, the words “subject to appropriation and to available judicial resources”; in section 4 by striking out, in lines 19, 20 and 21, the words “including, but not limited to assisting victims in obtaining the rights, privileges and services prescribed under this chapter”; in section 5 by striking out, in line 17, the word “ensure” and inserting in place thereof the word “provide”, by inserting after the word “provided”, in line 78, the words “subject to appropriation and to available judicial resources,”; in section 83, the word “necessary” and inserting in place thereof the word “reasonable”, by striking out, in line 107, the word “shall” and inserting in place thereof the word “may”, and by striking out, in line 164, the words “has the right” and inserting in place thereof the word “is”; and in section 6 by inserting after the word “creating”, in lines 5 and 6, the words “an entitlement or”, and by striking out the sentence contained in lines 9, 10 and 11, — were adopted.

Pending the question on ordering the bill, as amended, to a third reading, Mr. Finneran of Boston moved that it be amended in section 1, in line 5, and in section 5, in line 82, by inserting after the word “shall”, in each instance, the words “subject to appropriation and to available judicial resources,”; and the amendments were adopted.

Mr. Stoddart of Natick then moved that the bill be amended in section 1 by striking out, in line 5, the words “a separate and secure waiting area or room in each” and inserting in place thereof the words “two separate secure waiting areas or rooms, one for prosecution witnesses and one for defense witnesses in each”. After debate the amendment was rejected.

Mr. Stoddart then moved that the bill be amended in section 5 by striking out, in lines 61, 62 and 63, the words “or prior to the submission of the Commonwealth’s proposed sentence recommendation to the court”. After debate the amendment was rejected.

After debate the amendment was rejected.

The same member then moved that the bill be amended in section 5 by inserting after the word “counsel”, in line 110, the words “or the prosecutor”; by inserting after the word “defendant’s”, in line 111, the words “or prosecutors”; and by inserting after the word “interview”, in line 114, the words “by either the defense or prosecution”.

Victims of crime, assistance.
After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Stoddart of Natick; and on the roll call 18 members voted in the affirmative and 124 in the negative.

[See Yea and Nay No. 103 in Supplement.]

Therefore the amendments were rejected.

Mr. Stoddart then moved that the bill be amended in section 5 by inserting after the word "victim;", in line 121, the words "; and provided further, in any presentence report the probation officer shall attempt to confer with the defendant and/or his immediate family and shall record any information he/they wish to impart in the presentence report".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 6 members voted in the affirmative and 133 in the negative.

[See Yea and Nay No. 104 in Supplement.]

Therefore the amendment was rejected.

Mr. Stoddart then moved that the bill be amended in section 5 by inserting after the word "modification.", in line 132, the following sentence: "Prior to any restitution being ordered by a court as part of any sentence, a defendant is entitled to seek a restitution hearing.".

After remarks the amendment was rejected.

The same member then moved that the bill be amended in section 5 by inserting after the word "time", in line 138, the words "after a plea by or conviction of defendant"; and after debate the amendment was rejected.

Mr. Stoddart of Natick then moved that the bill be amended in section 5, in line 154 and also in line 156, by inserting after the word "purposes", in each instance, the words "or defense purposes with good cause demonstrated". After remarks the amendments were rejected.

The same member then moved that the bill be amended in section 6 by inserting after the word "aside.", in line 49, the following sentence: "Nor shall any sentence imposed upon a defendant be set aside or modified because of a prosecutor’s failure to comply with any portion of this chapter."

After remarks the amendment was rejected.

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

Under suspension of the rules, on motion of Mr. McIntyre of New Bedford, 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, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Sullivan of Abington; and on the roll call 142 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 105 in Supplement.]

[Mr. Stoddart of Natick answered "Present" in response to his name.]
Therefore the bill (Senate, No. 1853, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

The House Bill to enhance the operation of the civil service law (House, No. 989) was read a second time.
Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Teague of Yarmouth, until after disposition of the remaining matters in the Orders of the Day.

The House Bill prohibiting the sale of spray paint to minors (House, No. 2520, changed) was read a second time.
Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mrs. Owens-Hicks of Boston, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to local by-laws and ordinances regulating antenna structures used by federally licensed amateur radio operators (House, No. 2782) 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. Demakis of Boston, until after disposition of the remaining matters in the Orders of the Day.

House bills
Regulating deceptive contest information (House, No. 2894);
To strengthen neighborhood business districts (House, No. 3007);
To amend the civil service law (House, No. 3218);
Severally were read a second time.
Pending the question, in each instance, on ordering the bill to a third reading, further consideration thereof was postponed, on motions of Mr. Teague of Yarmouth, until after disposition of the remaining matters in the Orders of the Day.

The House Bill establishing uniform primary procedures for unenrolled voters (House, No. 3522) was read a second time.
Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Election Laws, on motion of Mr. Businger of Brookline.

House bills
To extend time frames for appeals (House, No. 4170); and
Defining adjacent ways (House, No. 4175);
Severally were read a second time.
Pending the question, in each instance, on ordering the bill to a third reading, further consideration thereof was postponed, on motions of Mr. Teague of Yarmouth, until after disposition of the remaining matters in the Orders of the Day.
The House Bill relative to safety restraints in shopping carriages (House, No. 4249) 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. Peters of Charlton, until after disposition of the remaining matters in the Orders of the Day.

The House Bill exempting the leasing of certain land in the town of Rockport from certain bidding laws (House, No. 4673) was read a second time.

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

House bills
Relative to impact fees for the town of Franklin (House, No. 4778); Relative to injury during employment (House, No. 4888); and Relative to county correctional officers (House, No. 4889); Severally were read a second time; and they were ordered to a third reading.

The House report of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 4276) of Mary Jeanette Murray and another relative to the date of the holding of the state primary election, was accepted.

The House report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 793) of James R. Miceli for legislation to regulate the transfer of registrations for motor vehicles, was considered.

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

House reports
Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, House, No. 1207) of Douglas W. Stoddart relative to the issuance of hardship licenses by the Registry of Motor Vehicles; and
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4195) of Lida E. Harkins, Patricia D. Jehlen, Edward G. Connolly, Jo Ann Sprague and Janet W. O’Brien relative to the driving records of individuals operating under the influence of intoxicating liquor or controlled substances; Severally were accepted.

The House report of the committee on State Administration, ought NOT to pass, on the petition (accompanied by bill, House, No. 4389) of Mary Jeanette Murray relative to the payment of certain bills to contractors and subcontractors by housing authorities, was considered.
Pending the question on acceptance of the report, the petition was recommitted, on motion of Mrs. Murray of Cohasset.

House reports

Of the committee on Taxation, ought NOT to pass, on the petition (accompanying bill, House, No. 456) of Robert Kraus for legislation to reduce the liability of taxpayers for purchases of certain capital goods;

Of the same committee, ought NOT to pass, on the petition (accompanying bill, House, No. 463) of Kevin Poirier relative to the deduction for property passing to a surviving spouse under the Massachusetts estate tax;

Of the same committee, ought NOT to pass, on the petition (accompanying bill, House, No. 465) of Kevin Poirier for legislation to increase the exemptions under the estate tax of the Commonwealth;

Of the same committee, ought NOT to pass, on the petition (accompanying bill, House, No. 467) of Kevin Poirier relative to the taxation of business corporations;

Of the same committee, ought NOT to pass, on the petition (accompanying bill, House, No. 1250) of Mary Jeanette Murray for legislation to restore federal tax benefits; and

Of the same committee, ought NOT to pass, on the petition (accompanying bill, House, No. 4222) of Gary M. Coon and other members of the General Court relative to the capital gains tax;

Severally were accepted.

Order.

On motion of Mr. Verga of Gloucester,— 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. Verga 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 six minutes after five o'clock P.M. (Mr. Voke of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.
Thursday, April 27, 1995.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Bosley of North Adams 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 depend upon Your guidance as we address the issues of the day and as we formulate public policy. Bless our efforts to build a society in which Your precepts are respected, the human and civil rights of all are acknowledged, and personal responsibility for personal decisions is accepted. Help us to humanize our society by enacting legislation which enhances the dignity of each person, the confidence of the people in our institutions, and the perception that our system can in these rapidly changing times meet the needs of the people and our communities.

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

At the request of the Chair (Mr. Bosley), 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) honoring John "John the Cobbler" Gimigliano; and
- Resolutions (filed by Messrs. Gately of Waltham and Mandile of Waltham) honoring Dot Slamin Hill;

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

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Buell of Greenfield, petition (accompanied by bill, House, No. 4918) of Carmen H. Buell and Stanley C. Rosenberg (with the approval of the town council) for legislation to authorize the licensing authority of the town of Greenfield to issue a license for the sale of wines and malt beverages to Alden Booth and Dan Young d/b/a The People's Pint. To the committee on Government Regulations.
By Mrs. Hahn of Westfield, petition (accompanied by bill, House, No. 4919) of Cele Hahn and Michael R. Knapik (with the approval of the mayor and city council, and by vote of the town) for legislation to authorize the city of Westfield to transfer title of certain surplus watershed property located in the town of Montgomery to said town. To the committee on Local Affairs.

By Mr. Keenan of Blandford, petition (accompanied by bill, House, No. 4920) of Daniel F. Keenan and Michael R. Knapik (by vote of the town) for legislation to authorize the town of Southwick to exempt certain contracts from the competitive bidding laws. To the committee on State Administration.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Chesky of Holyoke, petition (subject to Joint Rule 12) of Evelyn G. Chesky and other members of the General Court relative to the offense of leaving children without certain supervision.

By Miss Garry of Dracut, petition (subject to Joint Rule 12) of Colleen M. Garry relative to the advertising and sale of certain photographs.

By Ms. Resor of Acton, petition (subject to Joint Rules 12 and 9) of Pamela P. Resor (by vote of the town) for legislation to authorize the town of Acton to establish a community housing corporation.

By Mr. Stoddart of Natick, petition (subject to Joint Rule 12) of Douglas W. Stoddart for legislation to designate a certain bridge in the town of Natick as the Anthony and Francis Culcasi Memorial Bridge.

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

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Bernard A. Kansky for legislation to permit local taxpayers to vote in local elections in a city, town, district or subdivision which is not his or her principal residence or domicile. Under suspension of Rule 42, on motion of Mrs. Harkins of Needham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws. Sent to the Senate for concurrence.

By Mr. Serra of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 432) of the Massachusetts Organization of State Engineers and Scientists and Marie J. Parente relative to the audit, oversight powers and duties of the committee on Public Service of the General Court;
Legislation,—fiscal notes.

Legislators,—ethics.

Veterans’ affairs,—study.

Kennedy Memorial,—study.

General Court,—access.

Joint committees,—reports.

General Court,—liability.

State House,—security.

Fire fighters,—course of study.

Legislative information,—access.

General Court,—six month session.

Rent control,—committee reference.

Of the petition (accompanied by bill, House, No. 1224) of Mary Jeanette Murray for legislation to require the House committee on Ways and Means and the committee on Counties on the part of the House to include a fiscal note when reporting certain bills involving appropriations;

Of the petition (accompanied by bill, House, No. 1225) of Douglas W. Stoddart for legislation to provide for a continuing program of study in ethics for members of the General Court;

Of the petition (accompanied by resolve, House, No. 1609) of Edward G. Connolly and other members of the General Court 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;

Of the petition (accompanied by resolve, House, No. 1610) of Kevin G. Honan relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study relative to a suitable memorial to President John F. Kennedy;

Of the petition (accompanied by bill, House, No. 1611) of Alvin E. Thompson that the General Court be required to establish twenty-four hour voice mail for constituents;

Of the petition (accompanied by order, House, No. 1922) of Mary Jeanette Murray relative to amending Joint Rule 10A to provide a method for standing committees of the General Court to report on pending legislation which had been previously enacted into law;

Of the petition (accompanied by bill, House, No. 2656) of Paul E. Caron and James P. Jajuga relative to the liability of members of the General Court;

Of the petition (accompanied by bill, House, No. 2657) of Paul E. Caron and James P. Jajuga for legislation to revive and continue the investigation and study (including members of the General Court) relative to the security of the State House and the state office buildings;

Of the petition (accompanied by joint order, House, No. 2658) of Paul E. Caron and James P. Jajuga relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of the feasibility of requiring a course of study for full-time fire fighters;

Of the petition (accompanied by bill, House, No. 2659) of J. James Marzilli, Jr., and other members of the House for legislation to provide for the implementation of public access of legislative information;

Of the petition (accompanied by bill, House, No. 3615) of Edward B. Teague III and other members of the General Court relative to limiting the annual sessions of the General Court to a period of six months;

Of the petition (accompanied by order, House, No. 4632) of John A. Businger for an amendment to the Joint Rules of the General Court relative to referring matters on residential rents and condominium use and ownership to the committee on Housing and Urban Development;
Of the petition (accompanied by order, House, No. 4633) of John A. Businger for certain changes in the Joint Rules of the General Court relative to the filing of legislation;

Of the petition (accompanied by order, House, No. 4634) of John A. Businger relative to amending the Joint Rules of the General Court concerning the reporting dates for joint committees;

Of the petition (accompanied by resolve, House, No. 4732) of William F. Galvin, William J. Glodis, Jr., and Robert A. Bernstein relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study relative to implementing alternatives to the information provided by the annual listing of residents; and

Of the petition (accompanied by resolve, House, No. 4798) of Charles F. Flaherty relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study relative to a voluntary neonatal home visiting program;

And recommending that the same severally be referred to the House committee on Rules; and

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

Of the petition (accompanied by bill, House, No. 1055) of the National Association of Government Employees and Alvin E. Thompson relative to the Commonwealth Stabilization Fund;

Of the petition (accompanied by bill, House, No. 2318) of Robert A. DeLeo relative to the alleviation of the financial burden imposed on the town of Winthrop by the flood of December eleventh to thirteenth of nineteen hundred and ninety-two;

Of the petition (accompanied by bill, House, No. 2502) of Gary M. Coon that the withdrawal of funds from the Stabilization Fund be approved by a two-thirds vote of both branches of the General Court;

Of the petition (accompanied by bill, House, No. 3077) of James V. DiPaola relative to the disposition of revenues in excess of revenue estimates;

Of the petition (accompanied by bill, House, No. 3283) of Douglas W. Petersen, Janet W. O'Brien, Barbara E. Gray and Pamela P. Resor relative to the expenditure of funds by the Executive Office of Communities and Development for municipal grants for the promotion of local services;

Of the petition (accompanied by bill, House, No. 4041) of Michael J. Sullivan relative to the issuance of certain notes of the Commonwealth;

Of the petition (accompanied by resolve, House, No. 4562) of Patrick C. Guerriero and other members of the House for an investigation by a special commission (including members of the General Court) relative to the impact of the balanced budget amendment and unfunded federal mandates on the Commonwealth; and
Of the petition (accompanied by bill, House, No. 4645) of
Patrick F. Landers III and other members of the House relative to
the borrowing of funds by the Commonwealth for certain state col-
lege building authorities;
And recommending that the same severally be referred to the
House committee on Ways and Means.
Under Rule 42, the reports severally were considered forthwith;
and they were accepted. Severally sent to the Senate for concurrence
in the discharge of the committees.

By Mr. McDonough of Boston, for the committee on Insurance, on
Senate, No. 806 and House, Nos. 2201, 2591, 2592, 3365, 3370
and 3936, an Order relative to authorizing the committee on
Insurance to make an investigation and study of certain Senate and
House documents concerning property, casualty and life insurance
(House, No. 4907). Referred, under Joint Rule 29, to the committees
on Rules of the two branches, acting concurrently.

By Mr. McDonough of Boston, for the committee on Insurance, on
Senate, No. 806 and House, Nos. 2201, 2591, 2592, 3365, 3370
and 3936, an Order relative to authorizing the committee on
Insurance to make an investigation and study of certain Senate and
House documents concerning property, casualty and life insurance
(House, No. 4907). Referred, under Joint Rule 29, to the committees
on Rules of the two branches, acting concurrently.

By Ms. Buell of Greenfield, for the committee on Health Care, on
House, No. 4605, a Bill to restrict smoking in the State House
(House, No. 4908). Read; and referred, under Joint Rule 29, to the
committees on Rules of the two branches, acting concurrently.

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill to order the
office of financial aid to conduct a study on how to increase the
enrollment of low income and minority students in the
Massachusetts public higher education system (printed as Senate,
No. 307, changed by inserting after the word “enrollment”, in
lines 3, 6, 8 and 9, in each instance, the words “and retention”).

By the same member, for the same committee, on Senate, No. 282
and House, No. 1289, a Bill further regulating reimbursement for the
education of certain children in the care of the Department of Social
Services (House, No. 1289) [Cost: $4,212,883.00].

By the same member, for the same committee, on a petition, a
Bill requiring the Commonwealth’s reimbursement of cities and
towns for alternative education programs for youth expelled or sus-
pended (House, No. 2158, changed by adding at the end thereof the
following paragraph:
“Such reimbursement shall cover only the state’s portion of the
foundation budget.”)

By the same member, for the same committee, on Senate,
No. 308 and House, No. 3687, a Bill concerning resident tuition for
public institutions near state borders (House, No. 3687, changed by
striking out, in line 10, the figures “1994-95” and inserting in place
thereof the words “nineteen hundred ninety-six and nineteen hun-
dred and ninety-seven”).

By Ms. Buell of Greenfield, for the committee on Health Care, on
a petition, a Bill establishing the office of indoor air quality (House,
No. 1829, changed by inserting after the word “shall”, in line 5, the words “in consultation with all affected agencies”).

By the same member, for the same committee, on a petition, a Bill providing access to certain sanitary stations for those with medical necessity (House, No. 2169, changed in section 1 by striking out the paragraph contained in lines 5 to 10, inclusive, and inserting in place thereof the paragraph:

“(a) ; provided, however, that no such business, commercial or industrial enterprise shall be liable for injuries to persons or property arising out of the provision of such access in the absence of wilful, wanton or reckless conduct.”; and in section 2 by inserting after the word “forty-nine”, in line 8, the words “; provided, however, that no establishment under the provisions of said section one hundred and thirty-three shall be liable for injuries to persons or property arising out of the provision of such access pursuant to a certificate of medical need in the absence of wilful, wanton or reckless conduct”).

By the same member, for the same committee, on House, Nos. 174, 176 and 2939, a Bill establishing employment standards for public employees dealing with bloodborne pathogens (House, No. 2939).

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

By Mr. DiMasi of Boston, for the committee on Banks and Banking, on House, Nos. 10 and 16, a Bill relative to certain actions of the Board of Bank Incorporation and the Commissioner of Banks (House No. 16).

By the same member, for the same committee, on a petition, a Bill relative to the lending limits of state-chartered banks (House, No. 1647).

By the same member, for the same committee, on House, Nos. 1946 and 2697, a Bill to reimburse banks for production of copies from the records, books and accounts of such banks (House, No. 1946, changed by inserting after the word “agency”, in line 19, the following: “; (c) the examination of any financial records by or the furnishing of financial records to a government agency, or any officer, employee or agent of such agency for use solely in the exercise of his or her duties as such officer, employee or agent”).

By the same member, for the same committee, on a petition, a Bill relative to late charges on bi-weekly mortgages (House, No. 1949, changed by striking out, in line 4, the word “seven” and inserting in place thereof the word “ten”).

By the same member, for the same committee, on a petition, a Bill relative to bank directors (House, No. 2319).

By the same member, for the same committee, on a petition, a Bill relative to trust responsibilities of banks (House, No. 3297, changed by inserting after the word “prudence”, in line 19, the words “and the charging of reasonable compensation” and by striking out, in line 32, the word “prospectus,”).
Bankruptcy proceedings. By the same member, for the same committee, on House, No. 4419, a Bill prioritizing certain interests in bankruptcy proceedings (House, No. 4913).

Investment securities. By Mr. Bosley of North Adams, for the committee on Commerce and Labor, on House, Nos. 276 and 277, a Bill amending the Uniform Commercial Code covering provisions dealing with investment securities (House, No. 277).

Ballots—statements. By Mr. Glodis of Worcester, for the committee on Election Laws, on Senate, Nos. 380 and 384 and House, Nos. 513, 2363 and 2919, a Bill relative to placement of the one sentence statement on the ballot (House, No. 4914).

Laundries—smoking. By Ms. Buell of Greenfield, for the committee on Health Care, on a petition, a Bill relative to smoking in self-service laundries (House, No. 320).

Medical credentialing. By the same member, for the same committee, on a petition, a Bill relative to medical staff credentialing (House, No. 1515).

Medicine Board—standards. By the same member, for the same committee, on a petition, a Bill establishing scientific standards for the Board of Registration in Medicine (House, No. 1516).

Smoking—regulate. By the same member, for the same committee, on a petition, a Bill further regulating smoking (House, No. 2370).

Smoking in public—regulate. By the same member, for the same committee, on a petition, a Bill to further regulate smoking in public places (House, No. 2564, changed by striking out, in lines 27, 28, 29 and 30, the word "non-smoking" and inserting in place thereof, in each instance, the word "smoking").

Minors—health. By the same member, for the same committee, on a petition, a Bill to protect the health of minors (House, No. 2565).

Nonsmokers—exposure. By the same member, for the same committee, on a petition, a Bill relative to protecting nonsmokers from involuntary exposure to cigarette smoke in indoor public areas (House, No. 2566).

Smoking—public transportation. By the same member, for the same committee, on a petition, a Bill to increase the penalties for illegally smoking aboard public transportation (House, No. 3350).

Tobacco—sale. By the same member, for the same committee, on a petition, a Bill further regulating the sale of tobacco (House, No. 3910).

Smoking—regulating. By the same member, for the same committee, on a petition, a Bill further regulating smoking in public areas (House, No. 3914).

Real estate information. By the same member, for the same committee, on a petition, a Bill relative to the further disclosure of information in real estate transactions (House, No. 4121).

Smoking—regulating. By the same member, for the same committee, on a petition, a Bill relative to smoking in public places (House, No. 4609).

Medical records. By the same member, for the same committee, on House, No. 4462, a Bill providing for the confidentiality of medical records (House, No. 4915).

M.D.C. property—location grants. By Mrs. Harkins of Needham, for the committee on Housing and Urban Development, on a petition, a Bill facilitating procedures for grants of location in Metropolitan District Commission property (printed as Senate, No. 605, changed by inserting after the word...
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"commission", in line 3, the words "in consultation with the department of public utilities").

By Mr. McDonough of Boston, for the committee on Insurance, on House, No. 4847, a Bill prohibiting insurance discrimination to victims of domestic violence (House, No. 4916).

By Mr. Caron of Springfield, for the committee on Public Safety, on a petition, a Bill relative to the Registry of Motor Vehicles (House, No. 1208).

By the same member, for the same committee, on a petition, a Bill relative to the sale of certain drivers' licenses (House, No. 1556).

By the same member, for the same committee, on a petition, a Bill further regulating the collection of out of state parking fines (House, No. 1746).

By the same member, for the same committee, on a petition, a Bill relative to motor vehicle inspection decals (House, No. 2441).

By the same member, for the same committee, on a petition, a Bill relative to vehicular homicide (House, No. 2627).

By the same member, for the same committee, on a petition, a Bill relative to motor vehicle registration renewal decals (House, No. 2628).

By the same member, for the same committee, on a petition, a Bill relative to the suspension of licenses for minors convicted of certain offenses (House, No. 4627).

By Mr. Rushing of Boston, for the committee on Public Service, on a petition, a Bill further regulating retirement laws (House, No. 979).

By the same member, for the same committee, on House, No. 1210, a Bill relative to the promotion of detective lieutenant in the Department of State Police (House, No. 4917).

By Mr. Cahir of Bourne, for the committee on Transportation, on a message from His Excellency the Governor, a Bill designating the third harbor tunnel as the Ted Williams Tunnel (printed in House, No. 4571).

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

By Mr. DiMasi of Boston, for the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, House, No. 291) of James R. Miceli relative to retail installment sales of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 483) of John A. Businger relative to mortgage loans, housing rehabilitation loans and home improvement loans for properties subject to rent control.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 485) of Robert D. Hawke relative to persons engaged in the business of cashing checks, drafts or money orders.
By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 867) of Walter A. DeFilippi relative to loans secured by real estate.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1469) of Edward M. Lambert, Jr., and another relative to the acquisition of assets and the assumption of liabilities of credit unions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1648) of Anthony M. Scibelli relative to tax escrow payments by mortgagors to certain banking institutions.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1650) of Anthony M. Scibelli relative to mortgages by credit unions on foreclosed real estate.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1652) of Anthony M. Scibelli and another for legislation to authorize credit unions to make loans for the leasing of motor vehicles.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1945) of J. Michael Ruane for legislation to require all credit cards issued by financial institutions to bear a photograph of the cardholder.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2320) of Philip Travis for legislation relative to directors, trustees and officers of banks.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2321) of Philip Travis relative to the revision of terms or the refinancing of certain mortgages.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3672) of Walter A. DeFilippi for legislation to further define reverse mortgage loans.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4237) of David B. Cohen for legislation to further regulate loans to officers of banks.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4239) of Walter P. Petreyko that checks used by certain elderly persons be marked with special codes.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4241) of J. Michael Ruane relative to the regulation of foreign banks doing business in the Commonwealth.

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, ought NOT to pass, on the petition (accompanied by bill, House, No. 3101) of Douglas W. Petersen and
Barbara Gardner for legislation to include foreign languages in the academic standards for competency determination in public education.

By Mrs. Parente of Milford, for the committee on Federal Financial Assistance, ought NOT to pass, on the petition (accompanied by resolutions, House, No. 894) of Marian Juskuv and others for adoption of resolutions by the General Court relative to regulating the imposition of federal mandates.

By Ms. Buell of Greenfield, for the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, House, No. 2175) of Thomas M. Menino, John E. McDonough, Warren E. Tolman, Steven A. Tolman and Paul C. Demakis relative to penalties for violations of the State Sanitary Code.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2932) of Brian S. Dempsey relative to further regulating the practice of acupuncture.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2935) of Brian S. Dempsey for legislation to require all wastewater personnel to take annual medical physicals.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4291) of Kevin G. Honan relative to the dispensation of interchangeable prescription drug products.

By Mr. Rushing of Boston, for the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, House, No. 1018) of the Professional Fire Fighters of Massachusetts and Alvin E. Thompson for legislation to further regulate the rights of certain terminated fire fighters and police officers.

By the same member, for the same committee, ought NOT to pass, on petitions for legislation to provide creditable service for retirement purposes to certain elected officials of cities and towns [based on petitions of Alvin E. Thompson, accompanied by bill, House, No. 1380; and Arthur J. Broadhurst, accompanied by bill, House, No. 4368].

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

Proposals for Legislative Amendments to the Constitution.

Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on the petition (accompanied by proposal, House, No. 3695) of Daniel J. Valianti and another for a legislative amendment to the Constitution to provide a right to quality affordable public education from primary to public higher education,— reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass.
Mr. Glodis of Worcester, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 363) of Matthew J. Amorello and James P. Jajuga for a legislative amendment to the Constitution to limit terms of office for Senators, Representatives and Constitutional officers,— reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass [Senators Bernstein and Knapik, and Representative Hawke of Gardner, dissenting].

The same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 392) of Walter J. Ziobro, Jr., for a legislative amendment to the Constitution to require voter approval of certain pay raises,— reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass.

The same member, for the same committee, on the petition (accompanied by proposal, House, No. 529) of Robert D. Hawke for a legislative amendment to the Constitution limiting terms of office of Senators, Representatives and Constitutional officers,— reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass [Senators Bernstein and Knapik, and Representative Hawke of Gardner, dissenting].

The same member, for the same committee, on the petition (accompanied by proposal, House, No. 2546) of Robert D. Hawke, other members of the General Court and another for a legislative amendment to the Constitution to limit the terms of office for Senators, Representatives and Constitutional officers,— reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass [Senators Bernstein and Knapik, and Representative Hawke of Gardner, dissenting].

The same member, for the same committee, on the petition (accompanied by proposal, House, No. 4274) of Patrick C. Guerriero and Byron Rushing for a legislative amendment to the Constitution to lower the age of voting to sixteen,— reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass.

The same member, for the same committee, on the petition (accompanied by proposal, House, No. 4278) of Eric Turkington for a legislative amendment to the Constitution relative to the initiative and referendum process,— reported (in accordance with a provision of Joint Rule 23), recommending that the amendment proposed by said petition, ought NOT to pass.

Mr. Brett of Boston, for the committee on Taxation, on the petition (accompanied by proposal, House, No. 2482) of Gary M. Coon for a legislative amendment to the Constitution requiring legislative approval for tax or excise increases,— reported (in accordance with a provision of Joint Rule 23) recommending that the amendment proposed by said petition, ought NOT to pass.

Severally read; and placed on file, in accordance with the requirements of said rule.
Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

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

- On the petition (accompanied by proposal, House, No. 433) of Kevin Poirier for a legislative amendment to the Constitution limiting sessions of the General Court to six months;
- On the petition (accompanied by proposal, House, No. 2268) of Eric Turkington and another for a legislative amendment to the Constitution providing for two hundred and two Representative districts, two of which shall consist of the counties of Dukes and Nantucket;
- On the petition (accompanied by proposal, House, No. 3260) of the Massachusetts Taxpayers Foundation, Christopher J. Hodgkins, Stephen M. Brewer, Carmen H. Buell and Barbara Gardner for a legislative amendment to the Constitution limiting the length of the legislative session; and
- On the petition (accompanied by proposal, House, No. 3616) of Edward B. Teague III and other members of the General Court for a legislative amendment to the Constitution to limit annual sessions of the General Court to a period of six months.

**Engrossed Bills.**

Engrossed bills

- Establishing the central Massachusetts economic development authority (see House, No. 4570, amended); and
- Relative to procedures for city budgets (see House, No. 4875);
  (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.

**Order.**

On motion of Mr. DiPaola of Malden,—

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

At twenty-four minutes after eleven o’clock A.M., on motion of Mr. DiPaola (Mr. Bosley of North Adams being in the Chair), the House adjourned, to meet on Monday next at eleven o’clock A.M.