Thursday, November 2, 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:

Eternal God, we pause for a moment to think about You, Your presence in our lives and our relationship to You. In Your goodness, grant us the wisdom to remain faithful to You and Your ways and to our own legislative and constitutional responsibilities. As representatives of the people, help us to be considerate, just and responsive in addressing the needs of the electorate. Teach us to respect all people, their dignity and their political views, even during times of disagreements. Inspire us as a people to make our communities safe, peaceful, welcoming and free of violence.

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

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

Message from the Governor.

A message from His Excellency the Governor submitting requests for appropriations (under Section 7 of Chapter 150E of the General Laws) for the purpose of funding a collective bargaining agreement between the Higher Education Coordinating Council and the Massachusetts Teachers Association/NEA (House, No. 5607) was filed in the office of the Clerk on Wednesday, November 1.

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.

Changes in Joint Standing Committees.

The Speaker announced the following changes in joint standing committees:

That Representative Kaprielian of Watertown had been relieved of duty (at her own request) from the committee on Election Laws; and that she had been appointed to the eighth position on the committee on Public Service to fill the existing vacancy; and

That Representative Toomey of Cambridge had been relieved of duty (at his own request) from the committee on State Administration; and that he had been appointed to the sixth position on the committee on Government Regulations to fill the existing vacancy.
Resolutions.

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 **Gwen Burgess** on receiving the Burlington Council on Aging, Community Leadership Award;
- **Resolutions** (filed by Mr. Brett of Boston) honoring **Sister Frances Ryan**, Sister of Notre Dame de Namur;
- **Resolutions** (filed by Mr. Businger of Brookline) commemorating the celebration of Hanukkah;
- **Resolutions** (filed by Mr. Cohen of Newton) congratulating Cantor **Charles D. Osborne** on receiving the State of Israel, L’Chaim Award;
- **Resolutions** (filed by Mr. Honan of Boston) on the occasion of **Share Our Strength’s Writers Harvest**;
- **Resolutions** (filed by Representatives Iannuccillo of Lawrence, Coon of Andover and Cuomo of North Andover) honoring Mrs. **Claudia Meehan** on the joyous occasion of her one hundred and third birthday;
- **Resolutions** (filed by Mr. Kujawski of Webster) on the occasion of **Timothy A. McNamara Day** in the town of Millville;
- **Resolutions** (filed by Mr. Kujawski of Webster) congratulating Detective Sergeant **Roger E. Smith** on the occasion of his retirement from the Webster Police Department;
- **Resolutions** (filed by Mr. Naughton of Clinton) honoring **Wanda J. Bazydlo**, Madame State President of the Polish American Veterans Auxiliary;
- **Resolutions** (filed by Representatives Slattery of Peabody, Cahill of Beverly, Kerans of Danvers, Petersen of Marblehead and Ruane of Salem) congratulating North Shore Community Action Programs, Incorporated on the occasion of its thirtieth anniversary;
- **Resolutions** (filed by Mrs. Sprague of Walpole) congratulating Chief **Robert A. Volpicelli** on the occasion of his retirement from the Millis Fire Department; and
- **Resolutions** (filed by Messrs. Swan of Springfield and Stoddard of Natick) honoring **Robert M. Hughes** on the occasion of his sixty-fifth 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. Kujawski, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.
Orders.

On motion of Mr. Serra of Boston,—

Ordered, That the House of Representatives be authorized to accept a report of the special committee of the House established (under House order No. 5500 of 1995) to make an investigation and study of the mandatory criminal sentencing laws and the overall effect on the prison population in the Commonwealth, which was due October 31, 1995.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Government Regulations be granted until Friday, November 10, 1995, within which time to make its final report on current Senate documents numbered 383, 411, 413, 418, 419, 421, 437, 445, 447, 450, 454, 458, 459, 460, 474, 478 and 482; and on current House documents numbered 57, 66, 78, 79, 80, 81, 82, 83, 84, 316, 898, 899, 1302, 1681, 1686, 1820, 1821, 1822, 1823, 1824, 1981, 1982, 2161, 2162, 2366, 2367 (residue), 2368, 2369, 2557, 2559, 2560, 2718, 2928, 3106, 3107, 3338, 3339, 3340, 3344, 3709, 4120, 4454, 4602, 4772, 5317, 5528, 5530, 5531 and 5532.

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

The following order (filed by Mr. McIntyre of New Bedford) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Friday, February 16, 1996, within which to make its final report on current House documents numbered 27, 931, 932, 933, 1125, 1137, 1138, 1335, 1538, 1547, 1854, 1873, 2205, 2213, 2390, 2391, 2957, 2958, 2959, 2961, 2962, 2980, 2982, 3130, 3131, 3161, 3174, 3373, 3380, 3578, 3713, 3959, 4168, 4328, 4343, 4680, 4827, 4848, 4933, 5048, 5232, 5305, 5466, 5495 and 5503.

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

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety be granted until Wednesday,
November 15, 1995, within which to make its final report on current House documents numbered 5596 and 5597.

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

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Taxation be granted until Wednesday, November 15, 1995, within which to make its final report on current House document numbered 5429.

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

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Taxation be granted until Wednesday, December 27, 1995, within which to make its final report on current Senate document numbered 2081; and on current House document numbered 5585.

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

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Wednesday, November 15, 1995, within which to make its final report on current House document numbered 5511.

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

Communication

A communication from the Secretary of the Executive Office for Administration and Finance (under Section 3B of Chapter 7 of the General Laws as most recently amended by Sections 22 and 23 of Chapter 60 of the Acts of 1994) transmitting notice relative to an
increase in certain fees by the Department of Revenue, was placed on file.

Report of a Special Commission.

A report of the special commission (under Paragraph (d) of Section 293 of Chapter 38 of the Acts of 1995) relative to the Lottery Commission's management and oversight of the implementation of the lottery game commonly called Keno (House, No. 5608) was referred to the committee on Government Regulations. Sent to the Senate for concurrence.

Report of a Special Committee of the House.

A report of the special committee of the House (under House order No. 5500 of 1995 and authorized to report under the provisions of an order adopted by the House on November 2, 1995) established to make an investigation and study of the mandatory criminal sentencing laws and the overall effect on the prison population in the Commonwealth (House, No. 5612) was referred to the committee on Ways and Means.

Annual and Special Reports.

The annual report of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each credit union in the Commonwealth for the calendar year 1994; and

Reports

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

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 Southeast Correctional Center located in the town of Bridgewater;

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Middlesex County Jail located in the city of Cambridge;

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 Northeastern Correctional Center located in the town of Concord;

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

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommenda-
tions as a result of an inspection of the Norfolk County Pre-Release Facility located in the town of Dedham; 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 Western Youth Service Center located in the city of Springfield;

Severally sent to the Senate for its information.

Reports

Of the Economic Assistance Coordinating Council (EACC) (under Section 3C(3) of Chapter 23A of the General Laws) of its operations and accomplishments for the fiscal year ending June 30, 1995;

Of the Commissioner of the Department of Education (under Section 333 of Chapter 38 of the Acts of 1995) submitting the results of a study concerning the interpretation of "technology" as part of "science and technology" in the core educational requirements; and

Of the Massachusetts Technology Development Corporation of annual audits (under Section 7 of Chapter 40G of the General Laws) for the years ending June 30, 1994 and June 30, 1995; and

The quarterly report of the Department of Employment and Training (under Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Compensation Trust Fund;

Severally placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Flavin of Easthampton, petition (accompanied by bill, House, No. 5609) of Nancy Flavin and Michael R. Knapik (by vote of the town) for legislation to authorize the town of Easthampton to extend the term of an acting town administrator;

By Mr. Lane of Holden, petition (accompanied by bill, House, No. 5610) of Harold M. Lane, Jr. (by vote of the town) for legislation to authorize the town of Winchendon to establish an infrastructure investment fund; and

By Mr. Petrolati of Ludlow, petition (accompanied by bill, House, No. 5611) of Thomas M. Petrolati (by vote of the town) for legislation to authorize the town of Ludlow to increase the membership of the board of public works of said town;

Severally to the committee on Local Affairs.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Cousins of Newburyport, petition (subject to Joint Rules 12 and 7B) of Frank G. Cousins, Jr., for legislation to authorize the Personnel Administrator to certify the name of Michael
Magnifico for the reserve list for police officer in the town of Salisbury, notwithstanding the maximum age requirements.

By Mr. Honan of Boston, petition (subject to Joint Rule 12) of Kevin G. Honan and Marian Walsh (with the approval of the mayor and city council) for legislation to authorize the city of Boston to offer a reward for information to detect or secure the arrest of a person who assassinates or attempts to assassinate any law enforcement, prosecutorial, judicial or correctional official or employee.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes and Robert L. Hedlund (by vote of the town) that provision be made for the withdrawal of the town of Marshfield from the Massachusetts Bay Transportation Authority.

By Mr. Mandile of Waltham, petition (subject to Joint Rule 12) of Anthony M. Mandile, David F. Gately and another for legislation to authorize the State Lottery Commission to conduct a lottery awarding prizes for losing scratch tickets, so-called.

By Mr. McDonough of Boston, petition (subject to Joint Rule 12) of John E. McDonough for legislation to lower the age of consent for the donation of blood from eighteen to seventeen.

By Mr. Thompson of Cambridge, petition (subject to Joint Rules 12 and 7B) of Alvin E. Thompson for legislation to authorize a one time early retirement incentive for certain employees of the city of Boston.

By the same member, petition (subject to Joint Rules 12 and 7B) of Alvin E. Thompson for legislation to authorize a one time early retirement incentive for certain employees of the city of Boston.

By the same member, petition (subject to Joint Rules 12 and 7B) of Alvin E. Thompson for legislation to authorize a one time early retirement incentive, using the 2.5 factor, for certain employees of the city of Boston.

By Mr. Whitney of Abington, petition (subject to Joint Rule 12) of Francis L. Marini and Ronald N. Whitney for legislation to prohibit broadcasting by television or radio, recording or taking of photographs of proceedings in the courts of the Commonwealth except under certain circumstances.

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

Papers from the Senate.

The House Bill providing for a program of capital improvements to the system of public higher education in the Commonwealth (House, No. 5094) came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2075) (in which the House had non-concurred), concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Birmingham, Wetmore and Rauschenbach had been joined as the committee on the part of the Senate.
The House Bill providing for an environmental enhancement and protection program for the Commonwealth (House, No. 5206) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2076; and inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for an environmental enhancement and protection program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience."

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker then appointed Representatives Finneran, Kennedy of Brockton and Poirier of North Attleborough as the committee on the part of the House. Sent to the Senate to be joined.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendments, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Birmingham, Wetmore and Swift had been joined as the committee on the part of the Senate.

A petition (accompanied by bill, Senate, No. 2085) of Marc R. Pacheco, William M. Strauss and Robert Kraus (by vote of the town) for legislation to provide for the appointment of fish wardens in the town of Middleborough, 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. 2091) of Edward J. Clancy, Jr., and Douglas W. Petersen for legislation to further define the reimbursement of charter school payments; and

Petition (accompanied by bill, Senate, No. 2092) of Edward J. Clancy, Jr., and Douglas W. Petersen for legislation to authorize the Department of Education to provide partial reimbursement of charter school payments;

Severally to the committee on Education, Arts and Humanities.

Petition (accompanied by bill, Senate, No. 2089) of Bruce E. Tarr for legislation to authorize the Board of Registration in Nursing to award a certain licensure. To the committee on Health Care.

Petition (accompanied by bill, Senate, No. 2090) of Bruce E. Tarr for legislation relative to the taxation of direct and cooperative direct mail promotional advertising materials. To the committee on Taxation.
Reports of Committees.

Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain House documents concerning the penalties for criminal actions in the Commonwealth and other matters related thereto (House, No. 5333) reports, in part, asking to be discharged from further consideration.

Of the petition (accompanied by bill, House, No. 1970) of Paul R. Haley for legislation to provide for the prosecution of violent juvenile offenders in the criminal courts of the Commonwealth; and

Of so much of the message from His Excellency the Governor recommending legislation relative to the control of violent crime as relates to further regulating juvenile justice (House, No. 2883, App. D);

And recommending that the same severally be recommitted to the committee on Criminal Justice.

The same member, for the same committee, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning the civil service system, retirement benefits, regulations and various other matters related to public employees (House, No. 5329) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4691) of William G. Greene, Jr., and Robert A. Havern (by vote of the town) for legislation to exempt the position of town accountant in the town of Billerica from the provisions of the civil service law,— and recommending that the same be recommitted to the committee on Public Service.

The same member, for the same committee, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning local aid and various other matters related to the tax laws of the Commonwealth (House, No. 5236) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1933) of John H. Rogers, other members of the General Court and others that provision be made for an incremental tax credit for defense related corporations converting to research and development,— and recommending that the same be recommitted to the committee on Taxation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on Senate, Nos. 335, 336 and 2027 and House, Nos. 5303 and 5370, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning endowments for public education policies for public higher educational institutions and other matters related to public education in
the Commonwealth (House, No. 5602). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Serra of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Rushing of Boston, for the committee on Insurance, on House, No. 2757, a Bill to increase affordability and accessibility of health insurance in Massachusetts (House, No. 5601). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Scaccia of Boston, for the committee on Science and Technology, that the Bill implementing the strategic plan to enhance library technology and resource sharing in the Commonwealth (House, No. 4381) ought to pass. Referred, under Rule 33, to the committee on Counties on the part of the House.

By Mr. Brett of Boston, for the committee on Taxation, on House, Nos. 1933 and 5429, a Bill relative to job retention and economic expansion in the Commonwealth (House, No. 5606) [Senator Walsh dissenting]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Flaherty of Cambridge, for said committees, reported that the foregoing bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on Senate, No. 662 and House, Nos. 337, 1324 and 1325, a Bill further regulating certain veterans' benefits (House, No. 337). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Glodis of Worcester, for the committee on Election Laws, on a petition, a Bill to increase the requirements for nomination as a candidate for elective office in the city of Malden (House, No. 5342) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill to provide for a four year term for the office of mayor of the city of Malden beginning in nineteen hundred and ninety-eight (House, No. 5343) [Local Approval Received].

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

Engrossed bills
Relative to the funding schedule for the retirement system of the
town of Swampscott (see Senate, No. 2042) (which originated in the
Senate); and
Relative to possession of marihuana for medical purposes (see
House, No. 2170, amended) (which originated in the House);
Severally having been certified by the Clerk to be rightly and
truly prepared for final passage, were passed to be enacted; and they
were signed by the Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill relative to the Wilkinsonville Water District
(Senate, No. 1950), reported by the committee on Bills in the Third
Reading to be correctly drawn, was read a third time; and it was
passed to be engrossed, in concurrence.

The House Bill relative to advisory boards on county expendi-
tures (House, No. 5410), reported by the committee on Bills in the
Third Reading to be correctly drawn, was read a third time; and it
was passed to be engrossed. Sent to the Senate for concurrence.

Order.

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

At sixteen minutes after twelve o’clock noon, on motion of
Mr. Flaherty (Mr. Angelo being in the Chair), the House adjourned,
to meet on Monday next at eleven o’clock A.M.
Monday, November 6, 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:

God, Our Creator, during this moment of prayer we ask for guidance as we propose and evaluate legislation and formulate public policy. Teach us to reflect on the needs and expectations of the people and to weigh our options prudently. In our pluralistic society with a diversity of cultures and beliefs, bless our efforts to unite people in causes which endorse basic common values and civic principles. Grant us the wisdom to generate light and not heat during serious political, philosophical and ethical discussions. In Your goodness, help us to remain faithful to You, our religious, moral and political principles.

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

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

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to the terms of certain bonds and notes to be issued by the Commonwealth (House, No. 5613) was filed in the office of the Clerk on Thursday, November 2.

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 Mr. Brewer of Barre) honoring Stanley J. Nurek;

Resolutions (filed by Mr. Kennedy of Brockton) congratulating Mr. and Mrs. John M. Jerome on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Mr. Kennedy of Brockton) honoring Milton W. Mellman on the occasion of his eightieth birthday; and

Resolutions (filed by Mr. Vallee of Franklin) commemorating the one hundredth birthday of the Franklin Federated Church building;

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

Resolutions (filed with the Clerk by Messrs. Bellotti of Quincy, Galvin of Canton and Manning of Milton) commending Doctor Arthur Wilson Bowler, Minister of the First Congregational Church in Randolph, on his forty years of distinguished leadership and outstanding service to the church, the town and the Commonwealth, were referred, under Rule 85, to the committee on Rules.

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

Orders.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care be granted until Wednesday, November 15, 1995, within which to make its final report on current House document numbered 2736.

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

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Human Services and Elderly Affairs be granted until Wednesday, December 20, 1995, within which to make its final report on current House document numbered 5593.

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

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, December 29, 1995, within which to make its final report on current Senate documents numbered 1086, 1322, 1372, 1388, 1395, 1447, 1455, 1978 and 2052; and on current House documents numbered
1022, 4691, 4737, 4891, 5324, 5482, 5507, 5508, 5509, 5510, 5526, 5545, 5560 and 5561.

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

Petition.

Ms. Story of Amherst presented a petition (subject to Joint Rule 12) of Ellen Story and Stanley C. Rosenberg (by vote of the town) for legislation to provide for the alleviation of hardship of tenants of rental units in the town of Amherst; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

The engrossed Bill authorizing the city of Newburyport to convey certain land (see House, No. 5325, amended) came from the Senate with the following amendment:

In section 2 striking out, in line 2 (as printed), the words "thirty-five thousand dollars" and inserting in place thereof the words "one hundred and fifty thousand dollars".

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

The following order (having been approved by the committees on Rules of the two branches, acting concurrently) adopted by the Senate, was considered.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety be granted until Thursday, November 9, 1995, within which to make its final report on current Senate documents numbered 1272 and 1277.

Under suspension of Rule 42, on motion of Mr. Caron of Springfield, the order was considered forthwith; and it was adopted, in concurrence.

Bills

Relative to certain student activity accounts (Senate, No. 339) (on a petition); and

Relative to employment contracts for police chiefs (Senate, No. 1918, amended by adding at the end thereof the following section:

"SECTION 2. Section one shall take effect in a city or town which accepts its provisions in accordance with the provisions of section four of chapter four of the General Laws.") (on Senate, No. 1341);
Severally passed to be engrossed by the Senate, were read; and they were placed in the Orders of the Day for the next sitting for a second reading.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2086) of Robert A. Havern, Anne M. Paulsen and J. James Marzilli, Jr. (by vote of the town) for legislation to change the name of the "Town of Arlington Scholarship Fund". To the committee on Local Affairs.

Petition (accompanied by bill, Senate, No. 2087) of Michael W. Morrissey, Michael G. Bellotti, A. Stephen Tobin, Ronald Mariano and James Sheets (with the approval of the mayor and city council) for legislation to authorize the Quincy retirement board to grant creditable service to a certain employee. To the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2088) of Robert A. Havern, Anne M. Paulsen and J. James Marzilli, Jr. (by vote of the town) for legislation relative to real estate tax exemptions in the town of Arlington. To the committee on Taxation.

Reports of Committees.

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

Petition (accompanied by bill) of James T. Brett and Thomas M. Finneran (with the approval of the mayor and city council) relative to the eligibility of primary officers in the city of Boston. To the committee on Election Laws.

Petition (accompanied by bill) of John A. Businger relative to the protection of condominium tenants from termination of rent and eviction controls. To the committee on Housing and Urban Development.

Petition (accompanied by bill) of Alvin E. Thompson for legislation to authorize the Department of Revenue to establish a sick leave bank for Ena O. Squires, an employee of said department. To the committee on Public Service.

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

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Lida E. Harkins and John H. Rogers (by vote of the town) for legislation to authorize the town of Medfield to acquire and develop certain real estate in said town for public and municipal purposes. 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 Local Affairs. Sent to the Senate for concurrence.

By Mr. DiMasi of Boston, for the committee on Banks and Banking, asking to be discharged from further consideration of the recommitted petition (accompanied by bill, House, No. 3295) of Salvatore F. DiMasi and Philip Travis relative to nationwide interstate banking,— and recommending that the same be referred to the Senate committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted, insomuch as relates to the discharge of the committee. Sent to the Senate for concurrence.

By Mr. Flaherty of Cambridge, for the committee on Rules, that the Bill to promote the public health (House, No. 210) ought to pass.

By the same member, for the same committee, that the Bill to increase affordability and accessibility of health insurance in Massachusetts (House, No. 5601) ought to pass.

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

By Mrs. Owens-Hicks of Boston, for the committee on Education, Arts and Humanities, on a recommitted petition, a Bill establishing a matching grant incentive program for cities and towns establishing scholarship and educational funds (House, No. 1816, changed by adding at the end thereof the following section:

"SECTION 2. The amount of obligation to the Commonwealth as a result of this act shall not exceed an amount greater than one dollar per capita with regards to residents of the Commonwealth.").

By the same member, for the same committee, on a petition, a Bill relative to the Tantasqua Regional School District (House, No. 5338).

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

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, that the recommitted Bill relative to city and town accountants (House, No. 4992) ought to pass. Placed in the Orders of the Day for the next sitting, the question being on ordering it to a third reading.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to job retention and economic expansion in the Commonwealth (House, No. 5606) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5614). Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill establishing a Ware River watershed advisory committee (Senate, No. 1194) ought to pass.
Acton,—
housing corporation.

By the same member, for the same committee, that the Bill to establish a community housing corporation in the town of Acton, Massachusetts (House, No. 5283) ought to pass [Local Approval Received].

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

Political action committees.

By Mr. Glodis of Worcester, for the committee on Election Laws, on a petition, a Bill regarding contributions to political action committees by wire transfer (House, No. 5592).

Chilmark,—
conservation commission.

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on a petition, a Bill relative to the membership of the conservation commission of the town of Chilmark (House, No. 4977) [Local Approval Received].

Truro,—
fire engineers.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Truro (House, No. 5473) [Local Approval Received].

Peabody,—
light commission.

By the same member, for the same committee, on a petition, a Bill relative to the salaries of the members of the municipal light commission of the city of Peabody (House, No. 5486, changed by adding at the end thereof the following section: "SECTION 2. This act shall take effect on January first, nineteen hundred and ninety-five.") [Local Approval Received].

By Mr. Caron of Springfield, for the committee on Public Safety, on a petition, a Bill clarifying license fees and service charges (House, No. 5134).

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

Engrossed Bills.

Engrossed bills

Relative to the Wilkinsonville Water District (see Senate, No. 1950) (which originated in the Senate); and Designating a certain bridge in the town of Andover as the Andover World War II Veterans Memorial Bridge (see House, No. 5165) (which originated in the House); Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Recess.

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Verga of Gloucester, the House recessed until the hour of one o'clock P.M.; and at five minutes after one o'clock the House was called to order with Mrs. Menard of Somerset in the Chair.

Orders of the Day.

The Senate Bill authorizing and directing the retirement board of the city of Quincy to grant creditable service to Robert Crehan (Senate, No. 1909) (its title having been changed by the committee
on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills
Relative to the testing of agricultural product analysis (House, No. 129);
Relative to agricultural preservation restrictions by nonprofit organizations (House, No. 131) (its title having been changed by the committee on Bills in the Third Reading);
Providing for distinctive registration plates commemorating the participation of the United States Olympic Team in the Olympics (House, No. 5459);
Authorizing the city of Worcester to convey certain land (House, No. 5481); and
Relative to complaints about dogs (House, No. 5525) (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 massage therapy (House, No. 3729) was considered.
Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. McDonough of Boston, until Monday, November 13.

House bills
To increase the requirements for nomination as a candidate for elective office in the city of Malden (House, No. 5342); and
To provide for a four year term for the office of mayor of the city of Malden beginning in nineteen hundred and ninety-eight (House, No. 5343);
Severally were read a second time; and they were ordered to a third reading.

Recess.
At twenty-nine minutes after one o'clock P.M., the Chair (Mrs. Menard of Somerset) declared a recess subject to the call of the Chair, there being no objection; and at twenty-two minutes before three o'clock P.M., the House was called to order with the Speaker in the Chair.

Order.
On motion of Mr. Voke of Boston,—
Ordered. That when the House adjourns today, it adjourn to meet on Wednesday next at twelve o'clock noon.
There being no objection,— Representatives Cohen of Newton, Kafka of Sharon, Straus of Mattapoisett, Chandler of Worcester, Kaufman of Lexington and Khan of Newton moved that as a mark of respect to the memory of Israeli Prime Minister Yitzhak Rabin, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at nineteen minutes before three o’clock P.M., on motion of Mr. Voke of Boston (the Speaker being in the Chair), the House adjourned, to meet on Wednesday next at twelve o’clock noon.
Wednesday, November 8, 1995.

Met according to adjournment, at twelve o'clock noon.

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 of prayer to turn our thoughts to You, Our Creator, and to reflect upon our dependence on Your guidance and direction. We are grateful for the material and spiritual blessings which You give us each day. Teach us to recognize these gifts and Your concern for our well-being. Help us to be aware of other people's material needs during these times of economic, social and cultural changes. Inspire us to be fair in addressing today's legislative challenges. Let our relationship with You deepen each day and our respect for Your precepts and ways grow more mature.

Bestow Your blessings to the Speaker, to 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 providing for the continued operation of the executive offices pending the reorganization of state government (House, No. 5616) was filed in the office of the Clerk on Monday, November 6.

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 Cabral of New Bedford.

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 Cabral of New Bedford, will not be present in the House Chamber for today's sitting due to official business outside of the State House. Any roll calls that he may miss today will be due entirely to the reason stated.

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

Statement Concerning Representative Gray of Framingham.

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 Gray of Framingham, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she missed last week, or may miss this week and next week, will be due entirely to the reason stated.

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

Statement of Representative Haley of Weymouth.

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

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. Any roll calls that I missed today was due entirely to the reason stated.

Mr. Haley 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 in my district. If I could be present for the question on passing to be engrossed the House Bill relative to job retention and economic expansion in the Commonwealth, I would vote in the affirmative. Any roll calls that I may miss today will be 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 Concerning Representative Owens-Hicks of Boston.

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 Owens-Hicks of Boston, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she may miss today will be due entirely to the reason stated.

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

Statement Concerning Representative McIntyre of New Bedford.

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 McIntyre of New Bedford, is unable to be present in the House Chamber for a portion of today's sitting due to official business in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

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

Resolutions.

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

Resolutions (filed by Mr. Brett of Boston) commemorating the one hundred and fiftieth anniversary of the great Irish famine;

Resolutions (filed by Ms. Chandler of Worcester and other members of the House) commemorating the life of Yitzhak Rabin;

Resolutions (filed by Messrs. Demakis of Boston, Fennell of Lynn and McGee of Lynn) on the occasion of the dedication of Harry Agganis Way in the city of Boston;

Resolutions (filed by Mrs. Hahn of Westfield) honoring Jack and Judy Klaubert;

Resolutions (filed by Representatives Lewis of Bridgewater and Canavan of Brockton) congratulating Monica C. Chavez on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Representatives Lewis of Bridgewater and Canavan of Brockton) congratulating Michelle L. Huddy on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mr. Manning of Milton) on the occasion of Frank Fanning Day in the town of Milton;

Resolutions (filed by Messrs. Mariano of Quincy, Bellotti of Quincy and Tobin of Quincy) congratulating John P. Comer on receiving the Jewish War Veterans of the United States, Quincy Post #193, "Citizen of the Year" Award; and

Resolutions (filed by Representatives Owens-Hicks of Boston, Gray of Framingham and Stefanini of Framingham) congratulating Paul H. Gorden on the occasion of his retirement;

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

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

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Suzanne Bernard on receiving the Gold Award of the Girl Scouts of America; and

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Morgan Souza 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. Koczera, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following order (filed by Mrs. Harkins of Needham) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Housing and Urban Development be granted until Wednesday, November 15, 1995, within which to make its final report on current House document numbered 5594.

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

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration be granted until Wednesday, November 15, 1995, within which to make its final report on current House documents numbered 5572 and 5598.

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

Petitions.

Petitions severally were presented and referred as follows:

By Miss Barsom of Wilbraham (by request), petition (subject to Joint Rule 12) of Henry Kszepka for legislation to authorize the Registrar of Motor Vehicles to issue distinctive motor vehicle plates to Polish-American veterans.

By Ms. Chesky of Holyoke, petition (subject to Joint Rule 12) of Evelyn G. Chesky, Michael R. Knapik, Walter A. DeFilippi and another for legislation to authorize the Registrar of Motor Vehicles to issue distinctive motor vehicle plates to auxiliary police officers.

By Mr. Giglio of Medford, petition (subject to Joint Rule 12) of Joseph Bonanno and Anthony P. Giglio for legislation to include provisions concerning personal property leasing within the Uniform Commercial Code law.

By Mr. Klimm of Barnstable, petition (subject to Joint Rule 12) of John C. Klimm and another relative to notification to the Office for Children of crimes committed by persons licensed by said office.

By Mr. McManus of Worcester, petition (subject to Joint Rule 12) of William J. McManus II and Robert A. Bernstein for legislation to
authorize the Division of Capital Planning and Operations to convey a certain parcel of land in the town of West Boylston to Alfred H. Carl and Winifred M. Carl.

By Mr. Petrolati of Ludlow, petition (subject to Joint Rule 12) of Thomas M. Petrolati (by vote of the town) relative to the Belchertown Economic Development and Industrial Corporation.

By Mrs. Simmons of Leominster, petition (subject to Joint Rule 12) of Mary Jane Simmons, other members of the House and others relative to the administration of controlled substances and the performance of certain medical procedures.

By Mr. Stoddart of Natick, petition (subject to Joint Rule 12) of Barbara McGrath, Douglas W. Stoddart, Patricia D. Jehlen and others for legislation to require retail businesses open to the public to provide restroom facilities to certain persons.

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

Papers from the Senate.

The House Bill relative to the revitalization and development of the Commonwealth’s seaports and the improvement of freight access within the Commonwealth (House, No. 5219) came from the Senate passed to be engrossed, in concurrence, with the following amendment:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2074.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker then appointed Representatives Finneran, Cahir of Bourne and Poirier of North Attleborough as the committee on the part of the House. Sent to the Senate to be joined.

The engrossed Bill relative to the civil service appointment of certain police officers and firefighters (see House, No. 5463, amended) came from the Senate with the following amendments:

In section 1 (as engrossed) striking out, in line 5, the word “March” (inserted by amendment by the House) and inserting in place thereof the word “July” (stricken by amendment by the House); and in section 4 (as engrossed) striking out, in line 1, the word “March” and inserting in place thereof the word “July”.

Under suspension of Rule 35, on motion of Mr. Petrolati of Ludlow, 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.

The engrossed Bill authorizing housing authorities to install, remove and maintain certain property of certain low income elderly tenants (see House, No. 553) came from the Senate with the following amendments:
Inserting after the word "income", in line 4 (as engrossed), the words "or a handicapped person of low income"; and inserting after the word "persons", in line 6 (as engrossed), the words "or such handicapped person".

Under suspension of Rule 35, on motion of Mrs. Canavan of Brockton, the amendments were considered forthwith.

The Judiciary committee,—extension of time for reporting.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments with a further amendment by striking out the title and inserting in place thereof the following title: "An Act authorizing housing authorities to install, remove and maintain certain property of certain low income tenants.". The further amendment was adopted.

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

The following order (having been approved by the committees on Rules of the two branches, acting concurrently) adopted by the Senate, was considered:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Wednesday, November 15, within which to make its final report on current Senate documents numbered 628, 699, 839, 847, 854, 859, 862, 866, 868, 874, 877, 878, 883, 884, 889, 913, 919, 927, 930, 940, 948, 949, 977, 1001, 1014, 1015, 1021, 1023, 1033, 1812, 1857 and 2015.

Under suspension of Rule 42, on motion of Mr. McIntyre of New Bedford, the order was considered forthwith; and it was adopted, in concurrence.

The House Order relative to extending until Friday, December 1, 1995, the time within which the committee on Health Care is authorized to report on certain current Senate and House documents, came from the Senate adopted, in concurrence, with the following amendment:

Striking out, in line 2, the date: "Friday, December 1, 1995" and inserting in place thereof the date: "Wednesday, November 15, 1995".

Under suspension of Rule 35, on motion of Mr. McDonough of Boston, the amendment was considered forthwith; and it was adopted, in concurrence.

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

Petition (accompanied by bill, Senate, No. 2098) of Stanley C. Rosenberg and William P. Nagle, Jr., for legislation relative to charitable organizations and mortgage lenders and brokers. To the committee on Banks and Banking.

Petition (accompanied by bill, Senate, No. 2099) of Stanley C. Rosenberg (by vote of the town council) for legislation to authorize the town of Greenfield to issue an additional license for the sale of alcoholic beverages to Yvette Roberts and Scott Roberts, d/b/a Illusions. 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 following petitions:

Petition (accompanied by bill) of Frank M. Hynes and M. Joseph Manning relative to cardiopulmonary resuscitation training for public school personnel. To the committee on Education, Arts and Humanities.

Petition (accompanied by bill) of Shaun P. Kelly and Stanley C. Rosenberg relative to the establishment of an enterprise fund by the Shelburne Falls Fire District. To the committee on Local Affairs.

Petition (accompanied by bill) of Frank M. Hynes relative to the inspection of elevators in owner occupied single family residences. To the committee on Public Safety.

Petition (accompanied by bill) of M. Joseph Manning for legislation to authorize the Superintendent of State Office Buildings to install a plaque in the State House honoring Nathaniel M. Hurwitz. To the committee on State Administration.

Petition (accompanied by bill) of M. Joseph Manning relative to the taxation of direct and cooperative direct mail promotional advertising materials. To the committee on Taxation.

Petition (accompanied by bill) of Frank M. Hynes and Robert L. Hedlund (by vote of the town) that provision be made for the withdrawal of the town of Marshfield from the Massachusetts Bay Transportation Authority. To the committee on Transportation.

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

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Thomas S. Cahir and Henri S. Rauschenbach relative to the taxation of certain non-profit corporations. Under suspension of Rule 42, on motion of Mr. Cahir of Bourne, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. Sent to the Senate for concurrence.

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on a petition, a Bill relative to the establishment of a debt service reserve fund for the town of Saugus (House, No. 5600), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Angelo of Saugus, 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.
Mr. McDonough of Boston, for the committee on Health Care, on the recommitted Order relative to authorizing the committee on Health Care to make an investigation and study of a certain House document increasing access to health care (House, No. 5443) reports, in part, a Bill relative to health insurance (House, No. 5618). Read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bills.

Engrossed bills

Authorizing and directing the retirement board of the City of Quincy to grant creditable service to Robert Crehan (see Senate, No. 1909) (which originated in the Senate);

Authorizing the Granby Telephone and Telegraph Company of Massachusetts to borrow an additional sum of money (see House, No. 1507);

Relative to commission sales contracts (see House, No. 4245, changed);

Relative to school adjustment counsellors and school social workers (see House, No. 5022);

Relative to certain tax abatements in the town of Medfield (see House, No. 5032);

Relative to standby and emergency guardianship proxies (see House, No. 5131);

Relative to property tax bills in the town of Lexington (see House, No. 5142); and

Authorizing the appointment of certain persons as police officers in the city of Waltham (see House, No. 5474);

(Which severally originated in the House);

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

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Marshfield to release certain conservation restrictions (see House, No. 5245, changed) (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 yea 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 145 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 241 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 city of Newburyport to convey certain land (see House, No. 5325, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 143 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 242 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 Tewksbury to lease certain real estate (see Senate, No. 1064, changed and amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 145 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 243 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 House Bill relative to certain elected officials in the town of Seekonk (House, No. 5434) (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 Senate Bill establishing a Ware River watershed advisory committee (Senate, No. 1194) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Brewer of Barre, 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, in concurrence.

The recommitted House Bill relative to city and town accountants (House, No. 4992) was ordered to a third reading.

The Senate Bill relative to certain student activity accounts (Senate, No. 339); and
Second reading bills.

House bills
Relative to the membership of the conservation commission of the town of Chilmark (House, No. 4977);
Clarifying license fees and service charges (House, No. 5134);
To establish a community housing corporation in the town of Acton, Massachusetts (House, No. 5283);
Relative to the charter of the town of Truro (House, No. 5473);
Relative to the salaries of the members of the municipal light commission of the city of Peabody (House, No. 5486, changed); and
Regarding contributions to political action committees by wire transfer (House, No. 5592);
Severally were read a second time; and they were ordered to a third reading.

Criminal offenders,—
records.

The House Bill relative to criminal offenders records (House, No. 4906, amended) was read a third time.
The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.
Pending the question on passing the bill to be engrossed, Mr. Kollios of Millbury moved that it be amended by substitution of a Bill further regulating the dissemination of criminal offender record information (House, No. 5615), which was read.
The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Prevailing wage law.

The Senate Bill relative to the payment of wages (Senate, No. 1929) 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.

Public funds,—
investment.

The House Bill relative to investment of public funds (House, No. 5590) 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. DeLeo of Winthrop, until after disposition of the remaining matters in the Orders of the Day.

Police chiefs,—
contracts.

The Senate Bill relative to employment contracts for police chiefs (Senate, No. 1918, amended) was read a second time; and it was ordered to a third reading.

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

Motions. Fitzerald of Boston and Businger of Brookline moved, there being no objection, that the Clerk be directed to place before the House so much of the message from His Excellency the Governor...
as relates to his disapproval of parts of item 5046-0000 in section 2 (for message, see House, No. 5187) of the engrossed 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 (see House, No. 5100); and the motion prevailed.

Item 5046-0000, which had been disapproved (in part), was considered as follows:

"DEPARTMENT OF MENTAL HEALTH.

5046-0000 For adult mental health and support services; provided, that the department is hereby authorized to allocate funds in an amount not to exceed seven million dollars from item 5095-0000 of section two of this act, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means thirty days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that sixty thousand dollars shall be expended for comprehensive vocational rehabilitation services to be provided to mentally ill adults who are homeless or are at-risk of being homeless; provided further, that said services shall be provided at the multi-service center located in the city of Lynn by a vocational rehabilitation agency specializing in employment issues of mentally ill adults; provided further, that not less than one hundred and sixty-three thousand dollars shall be expended for western Massachusetts community enterprise programs; provided further, that not less than sixty-eight thousand one hundred and forty dollars be expended for Ad-Lib Inc. in the city of Pittsfield; and provided further, that the department shall take no action to reduce the client population of the Solomon Carter-Fuller mental health center nor the Massachusetts mental health center, and no steps shall be taken to close either institution through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing ....... 228,257,106".

The Governor disapproved wording in said item as follows: "; and provided further, that the department shall take no action to reduce the client population of the Solomon Carter-Fuller mental health center nor the Massachusetts mental health center, and no steps shall be taken to close either institution through attrition, layoffs or any other means until a study of any such reduction or closing
shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing”.

After remarks Mr. Teague of Yarmouth raised a point of order that the motion of Mr. Fitzgerald was improperly before the House for the reason that House Rule 12 requires that “The Clerk shall prepare a Calendar on which shall appear any question on passage of a bill or resolve notwithstanding the objections of His Excellency the Governor,” and that no such Calendar had been prepared.

The Speaker stated that, consistent with his ruling of June 26 last, because the motion of the gentleman from Boston pertained to a disapproval by the Governor of an “item” contained within the General Appropriation Bill, and not a “bill or resolve” as outlined in House Rule 12, the point of order was NOT well taken.

Mr. Teague then moved that further consideration of the subject-matter be postponed, until tomorrow and specially assigned to the hour of one o’clock P.M.

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 32 members voted in the affirmative and 114 in the negative.

[See Yea and Nay No. 244 in Supplement.]

Therefore the motion to postpone was negatived.

After debate the question on passing item 5046-0000 (contained in section 2), notwithstanding said disapproval, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 122 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 245 in Supplement.]

Therefore item 5046-0000 (contained in section 2) was passed, notwithstanding the disapproval of His Excellency of parts of said item (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Subsequently Mr. Stoddart of Natick 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. Stoddart 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. Fitzgerald of Boston and Businger of Brookline moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of parts of item 5051-0100 in section 2 (for message, see House, No. 5187) of the engrossed Bill making appropriations for the fiscal year nineteen hundred and ninety-six for the maintenance of the departments, boards, commis-
sessions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5100); and the motion prevailed.

Item 5051-0100, which had been disapproved (in part), was considered as follows:

"DEPARTMENT OF MENTAL HEALTH.

5051-0100 For community mental health centers; provided, that the department shall take no action to reduce the client population of the Dr. Harry Solomon mental health center nor the Dr. John C. Corrigan mental health center nor the Erich Lindemann mental health center, and no steps shall be taken to close any of said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at any of said institutions where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client's individual service plan or its equivalent ........................................... 77,523,513".

The Governor disapproved wording in said item as follows: "; provided, that the department shall take no action to reduce the client population of Dr. Harry Solomon mental health center nor the Dr. John C. Corrigan mental health center nor the Erich Lindemann mental health center, and no steps shall be taken to close any of said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at any of said institutions where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be
Community Mental Health Centers, item 5051-0100, passed,—yea and nay No. 246.

The question on passing item 5051-0100 (contained in section 2), notwithstanding said disapproval, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 122 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 246 in Supplement.]

Therefore item 5051-0100 (contained in section 2) was passed, notwithstanding the disapproval of His Excellency of parts of said item (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

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

General Appropriation Bill—section 2, item 5095-0000.

There being no objection,—Representatives Glodis of Worcester, Binienda of Worcester, Pedone of Worcester and Chandler of Worcester moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of parts of item 5095-0000 in section 2 (for message, see House, No. 5187) of the engrossed 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 (see House, No. 5100); and the motion prevailed.

Item 5095-0000, which had been disapproved (in part), was considered as follows:

"DEPARTMENT OF MENTAL HEALTH.

5095-0000 For adult inpatient and facilities services; provided, that the department is hereby authorized to allocate funds in an amount not to exceed seven million dollars from this item, to item 5046-0000 of section two of this act, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means thirty days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that the department shall take no action to reduce the client population of the Worcester state hospital nor the Westboro state hospital..."
nor the Medfield state hospital, and no steps shall be taken to close any of said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at any of said institutions where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client’s individual service plan or its equivalent.

The Governor disapproved wording in said item as follows: 

"; provided further, that the department shall take no action to reduce the client population of the Worcester state hospital nor the Westboro state hospital nor the Medfield state hospital, and no steps shall be taken to close any of said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from any of said institutions to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at any of said institutions where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at each of said institutions, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client’s individual service plan or its equivalent”

The question on passing item 5095-0000 (contained in section 2), notwithstanding said disapproval, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 120 members voted in the affirmative and 27 in the negative.

[See Yea and Nay No. 247 in Supplement.]

Therefore item 5095-0000 (contained in section 2) was passed, notwithstanding the disapproval of His Excellency of parts of said item (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.
There being no objection,— Representatives McGee of Lynn, Fennell of Lynn and Kerans of Danvers moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of parts of item 5930-1000 in section 2 (for message, see House No. 5187) of the engrossed 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 (see House, No. 5100); and the motion prevailed.

Item 5930-1000, which had been disapproved (in part), was considered as follows:

"DEPARTMENT OF MENTAL RETARDATION.

For the facility operations program for the mentally retarded; provided, that the commissioner of the department of mental retardation is hereby authorized to transfer funds from this item to items 5920-2000, 5920-2010 and 5920-2025 of section two of this act, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means fifteen days prior to any such transfer; provided, however, that not more than three million dollars shall be transferred from this item in fiscal year nineteen hundred ninety-six; provided further, that the department shall take no action to reduce the client population of the Paul A. Dever state school nor the Hogan regional center nor the Wrentham state school, and no steps shall be taken to close any of said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from the Wrentham state school to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at said institution where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at the Wrentham state school, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client's individual service plan or its equivalent. 232,009,169"
The Governor disapproved wording in said item as follows:

"; provided further, that the department shall take no action to reduce the client population of the Dever state school nor the Hogan regional center nor the Wrentham state school, and no steps shall be taken to close any of said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed by the secretary of administration and finance, and the general court by law shall have approved any such reduction or closing; provided further, that nothing herein shall prevent the transfer of any client from the Wrentham state school to a community home or facility staffed by state employees, nor prevent the transfer of any state employee at said institution where necessary to staff said community home or facility; and provided further, that the department shall inform each client currently residing at the Wrentham state school, or the guardian of said client, that the institution will remain open, that the client has the right to remain a resident thereof, and that such option shall be considered at the next meeting regarding the client's individual service plan or its equivalent".

After debate the question on passing item 5930-1000 (contained in section 2), notwithstanding said disapproval, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 124 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 248 in Supplement.]

Therefore item 5930-1000 (contained in section 2) was passed, notwithstanding the disapproval of His Excellency of parts of said item (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

There being no objection,— Messrs. Kollios of Millbury and Brewer of Barre moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of parts of item 5930-2000 in section 2 (for message, see House, No. 5187) of the engrossed 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 (see House, No. 5100); and the motion prevailed.

"DEPARTMENT OF MENTAL RETARDATION.

5930-2000 For the maintenance and operation of the Glavin regional center, provided, that the department shall take no action to reduce the client population of the Glavin regional center, and no steps shall be taken to close said institution through attrition, layoffs or any other means until a study of any such reduction or closing shall be
completed by the secretary of administration
and finance, and the general court by law shall
have approved any such reduction or closing.... 5,704,021”.

The Governor disapproved wording in said item as follows:
"; provided, that the department shall take no action to reduce the
client population of the Glavin regional center, and no steps shall be
taken to close said institution through attrition, layoffs or any other
means until a study of any such reduction or closing shall be com-
pleted by the secretary of administration and finance, and the gen-
eral court by law shall have approved any such reduction or closing”.

The question on passing item 5930-2000 (contained in section 2),
notwithstanding said disapproval, was determined by yeas and nays,
as required by Chapter I, Section I, Article II of the Constitution,
and Section 5 of Article LXIII of the Amendments to the Constitu-
tion; and on the roll call 124 members voted in the affirmative
and 24 in the negative.

[See Yea and Nay No. 249 in Supplement.]

Therefore item 5930-2000 (contained in section 2) was passed,
notwithstanding the disapproval of His Excellency of parts of said
item (more than two-thirds of the members present and voting
having voted in the affirmative). Sent to the Senate for its action.

There being no objection,— Messrs. DiPaola of Malden, Lynch
of Boston and Tolman of Boston moved that the Clerk be directed to
place before the House so much of the message from His Excellency
the Governor as relates to his disapproval of section 149 (for mes-
sage, see House, No. 5187) of the engrossed Bill making appropria-
tions 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 improve-
ments (see House, No. 5100); and the motion prevailed.

Section 149 (Massachusetts Bay Transportation Authority collec-
tive bargaining of promotions and assignments) was considered
as follows:

“SECTION 149. Section 19 of chapter 161A of the General Laws,
as appearing in the 1992 Official Edition, is hereby amended by
inserting after the word ‘condition’, in line 4, the following
words:— , the assignment of work schedules and work locations on
the basis of seniority, including: (a) hours of work each day and
days worked each week; provided, however, that a change in such
assignment shall not provide for a change in classification; and
(b) the filling of vacancies by promotion or transfer of qualified
applicants on the basis of seniority.”.

After debate (Mr. Voke of Boston being in the Chair) the ques-
tion on passing section 149, notwithstanding said objections, was
determined by yeas and nays, as required by Chapter I, Section I,
Article II of the Constitution, and Section 5 of Article LXIII of the
Amendments to the Constitution; and on the roll call 118 members
voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 250 in Supplement.]
[Ms. Lewis of Dedham answered "Present" in response to her name.]

Therefore section 149 was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

There being no objection,— Messrs. DiPaola of Malden, Lynch of Boston, Tolman of Boston and Rogers of Norwood moved that the Clerk be directed to place before the House so much of the message from His Excellency the Governor as relates to his disapproval of section 150 (for message, see House, No. 5187) of the engrossed 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 (see House, No. 5100); and the motion prevailed.

Section 150 (Massachusetts Bay Transportation Authority collective bargaining of appointments) was considered as follows:

"SECTION 150. The first paragraph of said section 19 of said chapter 161A, as so appearing, is hereby further amended by striking out subparagraph (i) and inserting in place thereof the following subparagraph:—

(i) to direct, appoint, and employ officers, agents and employees and to determine the standards therefor."

The question on passing section 150, notwithstanding said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, and Section 5 of Article LXIII of the Amendments to the Constitution; and on the roll call 117 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 251 in Supplement.]

[Ms. Lewis of Dedham answered "Present" in response to her name.]

Therefore section 150 was passed, notwithstanding the objections of His Excellency (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Orders of the Day.

The House Bill relative to job retention and economic expansion in the Commonwealth (House, No. 5606) was read a second time. Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 5614),— and the main question on ordering the bill to a third reading, Ms. Evans of Wayland moved that the proposed substitute bill be amended in section 5 (as printed) by striking out, in line 3, the following: "(i)" and inserting in its place the following: "(J)"; by striking out, in line 4, the words "new subsection:—" and inserting in place thereof the words "two new subsections:—"; and by adding at the end thereof the following:
"(i) At the election of the taxpayer, for purposes of determining the 'base amount' described in paragraph (a) and the credit allowable under this section, section 41(c)(3)(A) of the Federal Internal Revenue Code shall be considered to have been modified as follows:

(A) Except as otherwise provided in this paragraph, the fixed-base percentage is the lowest percentage which the aggregate qualified research expenses of the taxpayer for any four consecutive taxable years beginning after December thirty-first, nineteen hundred and eighty-three, and before January first, nineteen hundred and ninety-five, is of the aggregate gross receipts of the taxpayer for such taxable years."

After remarks (the Speaker being in the Chair) the further amendments were rejected.

There being no objection,— Mr. Demakis of Boston and other members of the House moved that the proposed substitute bill be amended in section 3 (as printed) by striking out the two paragraphs contained in lines 51 to 57, inclusive; and in section 4 (as printed) by striking out the year "2006" and inserting in place thereof the year "2004", by striking out, in line 10, the word "three" and inserting in place thereof the word "one", by striking out, in line 13, the word "six" and inserting in place thereof the word "four", and by striking out, in line 17, the word "six" and inserting in place thereof the word "four".

After debate the further amendments were rejected.

There being no objection,— Representatives Resor of Acton, Marzilli of Arlington, Demakis of Boston, Kaufman of Lexington, Story of Amherst and Businger of Brookline moved that the proposed substitute bill be amended in section 2 by striking out the two paragraphs contained in lines 7 to 20, inclusive, and inserting in place thereof the following two paragraphs:

'‘Base period full-time equivalent employees’, the number of full-time equivalent employees actively employed in the conduct of the trade or business of the corporation as of November first, nineteen hundred and ninety-five and whose primary place of employment as of said date is within the commonwealth. For purposes of this definition, an employee shall be counted as a full-time equivalent employee if s/he is employed by the corporation for no less than thirty-five hours per week. Each employee employed for less than thirty-five hours per week shall be counted as a fractional full-time equivalent employee, said fraction equaling the ratio of said employee’s weekly hours of employment by the corporation to thirty-five.

‘Current full-time equivalent employees’, for each taxable year, the average of the numbers of full-time equivalent employees actively employed in the conduct of the trade or business of the corporation at the end of each calendar quarter during the taxable year and whose primary place of employment as of said date is within the commonwealth. For purposes of this definition, an employee shall be counted as a full-time equivalent employee if s/he is employed by the corporation for no less than thirty-five hours per week. Each
employee employed for less than thirty-five hours per week shall be counted as a fractional full-time equivalent employee, said fraction equaling the ratio of said employee's weekly hours of employment by the corporation to thirty-five.”; and by striking out the two paragraphs contained in lines 40 to 68, inclusive, and inserting in place thereof the following two paragraphs:

“(3) If for any taxable year beginning on or after January first, nineteen hundred and ninety-six, such corporation's current full-time equivalent employees, as defined herein, are less than ninety percent of its base period full-time equivalent employees, as defined herein, the corporation shall instead be required, except as provided pursuant to paragraph (4) of this subsection, to apportion its taxable net income for such taxable year to the commonwealth in accordance with subsection (1) of this section.

(4) The commissioner of revenue shall promulgate rules and regulations implementing the provisions of this subsection. Said regulations shall address, among other matters, the manner for apportioning a defense corporation's taxable net income to the commonwealth in instances where the corporation's sales factor is inapplicable. In addition, said regulations shall authorize the commissioner, upon application by the corporation and upon the commissioner's finding of extraordinary and unanticipated circumstances, to excuse said corporation from the operation of paragraph (3) of this subsection for a taxable year in which the corporation demonstrates that the reduction in its full-time equivalent employees was directly attributable to an extraordinary and unanticipated loss of business under contracts with the Armed Forces of the United States or with foreign governments that result in a substantial reduction in the corporation's operations with the commonwealth.”.

After debate the further amendments were rejected.

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

“SECTION 6. Section 38 of chapter 63 of the General Laws is hereby amended by adding the following subsection:—

(n) Notwithstanding any provision of this section to the contrary, no defense corporation or manufacturing corporation shall be eligible to apportion its taxable net income by use of the sales factor in accordance with the provisions of subsections (k) and (l) unless such corporation demonstrates to the department of revenue that: (i) the corporation offers funding for at least fifty per cent of the health insurance coverage of its employees, including for a family plan of health insurance coverage; and (ii) the ratio of highest to lowest compensation packages for full time equivalent employees of the corporation is no more than forty to one.”.

After debate the further amendment was rejected.

There being no objection,— Representatives Marzilli of Arlington, Demakis of Boston, Kaufman of Lexington, Story of Amherst and Businger of Brookline moved that the proposed substitute bill be amended in section 2 by inserting after the word “year”,
in line 74, the words "as of the last day of such taxable year", by inserting after the word "retained", in line 75, after the word "added", in line 77, after the word "lost", in line 79, after the word "sales", in line 95, after the word "equipment", in line 97, after the word "investments", in line 98, after the word "assets", in line 99, and after the word "utilization", in line 100, in each instance, the words "in the commonwealth and worldwide"; and by striking out the paragraph contained in lines 107 to 114, inclusive, and inserting in place thereof the following paragraph:

"The commissioner of the department of revenue shall annually prepare a comprehensive report summarizing the information received from said reports and analyzing, based on said information and on all other available sources, the impacts on tax revenues and on economic activity, if any, of the utilization of single sales factor apportionment by defense corporations. The information received by the commissioner of revenue from the defense corporations pursuant to this subsection shall not be publicly disclosed unless disclosed in a manner determined by the commissioner so as not to disclose the identity of such defense corporations. The commissioner's report shall provide as much specific information about defense corporations' levels of activity within and without the commonwealth, and changes in said levels, as can be provided without disclosing the identity of particular corporations. The commissioner's report shall be filed by October first of each year with the clerk of the senate and the clerk of the house of representatives who shall forward the same to their respective committees on ways and means and to the joint committee on taxation. Said reports of the commissioner shall be public records subject to the provisions of section ten of chapter sixty-six."

The further amendments were adopted.

There being no objection,— Mr. Marzilli of Arlington and other members of the House moved that the proposed substitute bill be amended in section 3 (as printed) by adding at the end thereof the following:

"(3) Each manufacturing corporation, apportioning its income in accordance with the provisions of this subsection, as part of its tax return for each year, shall submit a report, whose form and substance shall be determined by the commissioner of the department of revenue, that describes for each taxable year, on the last day of such taxable year, the following:

(1) the number, nature and wages of jobs retained in the commonwealth and worldwide from the previous taxable year;
(2) the number, nature and wages of jobs added in the commonwealth and worldwide from the previous taxable year;
(3) the number, nature and wages of jobs lost in the commonwealth and worldwide from the previous taxable year;
(4) the nature and amount of any change in the property factor during the taxable year;
(5) the nature and amount of any change in the payroll factor in the taxable year;"
(6) the dollar amount of revenue foregone by the adoption and utilization of the single sales factor pursuant to this Act as compared to the apportionment method in effect for the tax year beginning January 1, 1995;

(7) volume of sales in the commonwealth and worldwide;

(8) operating profits;

(9) book value of plant, land and equipment in the commonwealth and worldwide;

(10) net capital investments in the commonwealth and worldwide;

(11) net assets in the commonwealth and worldwide;

(12) capacity utilization in the commonwealth and worldwide; and

(13) debts, itemized by the following categories:

1. loans;
2. mortgages;
3. unfunded pension liabilities;
4. unfunded environmental liabilities; and
5. other unfunded liabilities.

The commissioner of the department of revenue shall annually prepare a comprehensive report summarizing the information received from said reports and analyzing, based on said information and on all other available sources, the impacts on tax revenues and on economic activity, if any, of the utilization of single sales factor apportionment by defense corporations. The information received by the commissioner of revenue from the defense corporations pursuant to this subsection shall not be publicly disclosed unless disclosed in a manner determined by the commissioner so as not to disclose the identity of such defense corporations. The commissioner's report shall provide as much specific information about defense corporations' levels of activity within and without the commonwealth, and changes in said levels, as can be provided without disclosing the identity of particular corporations. The commissioner's report shall be filed by October first of each year with the clerk of the senate and the clerk of the house of representatives who shall forward the same to their respective committees on ways and means and to the joint committee on taxation. Said reports of the commissioner shall be public records subject to the provisions of section ten of chapter sixty-six."

The further amendment was adopted.

There being no objection,— Representatives Resor of Acton, Gardner of Holliston and Bosley of North Adams moved that the proposed substitute bill be amended in section 2 by inserting after line 106 the following paragraph:

"(16) The establishment of 'defense-industry economic transition committees' shall be required for companies whose contracts exceed the value of $500,000 and use the single sales tax factor. The committee is stipulated to be a 50/50 representation of labor and management. Labor members shall be appointed by representatives of worker organizations. The committee shall undertake economic conversion planning including but not limited to: new product develop-"
Job retention and economic expansion.

ment and deployment; new production processes; and preparation for reemployment of personnel in the event of a reduction or elimination of any defense facility or the curtailment or conclusion of any defense contract. [A] Each defense corporation shall submit an annual report to demonstrate a plan for expenditure of at least 30% of tax savings under single sales for conversion efforts. This report shall be made available to the public by the Commissioner of the Department of Revenue.”.

After debate Ms. Resor moved, there being no objection, that the further amendment be amended by striking out [at “A”] the penultimate sentence; and the still further amendment was adopted.

The further amendment, as amended, then also was adopted.

Representatives Broadhurst of Methuen, Flaherty of Cambridge, Brett of Boston, Dempsey of Haverhill, Greene of Billerica, Coon of Andover and Garry of Dracut moved that the proposed substitute bill be amended in section 2 by striking out the two paragraphs contained in lines 101 to 114, inclusive (as amended by the House), and inserting in place thereof the following two paragraphs:

“(15) debts.

The commissioner of the department of revenue shall annually prepare a report utilizing the information received in this section and other sources describing and evaluating the impact, if any, of the utilization of the single sales factor only upon the defense industry. This report shall contain only cumulative information for the entire defense industry.”.

The further amendment was adopted.

Representatives Dempsey of Haverhill, Flaherty of Cambridge, Brett of Boston, Broadhurst of Methuen, Greene of Billerica, Coon of Andover and Garry of Dracut moved that the proposed substitute bill be amended in section 2 by striking out the sentence contained in lines 56 to 60, inclusive, and inserting in place thereof the following sentence: “In addition, said regulations will provide that the forfeiture of single sales factor apportionment pursuant to subparagraph (3) of this subsection will not be operable in cases where the corporation demonstrates that the reduction in its payroll level or property level pursuant to subparagraph (3) of this subsection is directly attributable to an extraordinary and unanticipated loss of business under contracts with the Armed Forces of the United States or with foreign governments that result in substantial reduction in the corporation’s operation within the commonwealth.”.

The further amendment was adopted.

Representatives Greene of Billerica, Flaherty of Cambridge, Broadhurst of Methuen, Dempsey of Haverhill, Coon of Andover and Garry of Dracut moved that the proposed substitute bill be amended in section 2 by striking out the paragraph contained in lines 40 to 54, inclusive, and inserting in place thereof the following paragraph:
3. If for any taxable year beginning on or after January first, nineteen hundred and ninety-six, such corporation's property level is less than ninety percent of the base property level, or its payroll level is less than ninety percent of the base property level, the corporation shall instead be required to apportion its taxable net income for such taxable year to the commonwealth in accordance with subsection (l); provided, however, that in determining the percentages derived from the formulas set forth in subparagraphs (i) to (v), inclusive, of paragraph (2) of subsection (l), the property factor, if the property level is not less than ninety percent of the base property level, or the payroll factor, if the payroll level is not less than ninety percent of the base property level, shall be included in the computation with a value of zero. The preceding sentence shall not apply to a defense corporation which has conducted business in the commonwealth for less than five years and which has a property factor of less than five percent, computed under subsection (d), or a payroll factor or less than five percent, computed under subsection (e), for the corporation's taxable year immediately preceding its first taxable year beginning on or after January first, nineteen hundred and ninety-six. The provisions of this paragraph shall not apply to taxable years beginning on or after January first, two thousand.

The further amendment was adopted.

There being no objection,— Representatives Garry of Dracut, Flaherty of Cambridge, Broadhurst of Methuen, Dempsey of Haverhill, Greene of Billerica and Coon of Andover moved that the proposed substitute bill be amended by inserting after section 1 the following section:

"SECTION 1A. Said section 38 of said chapter 63 is hereby further amended by striking out subsection (c), as amended by section 1 of this act, and inserting in place thereof the following subsection:

(c) If the corporation has income from business activity which is taxable both within and without this commonwealth, its taxable net income, determined under the provisions of subsection (a), shall be apportioned to this commonwealth by multiplying its taxable net income, determined under the provisions of said subsection (a), by a fraction, the numerator of which is the property factor plus the payroll factor plus twice the sales factor, and the denominator of which is four."; in section 2 by striking out the four paragraphs contained in lines 4 to 28, inclusive, and inserting in place thereof the following:

"(k)(l) As used in this section, the following words shall, unless the context otherwise requires, have the following meaning:

'Base period property level', the average value of all the corporation's real and tangible personal property owned or rented and used in this commonwealth, as computed under subsection (d), for the corporation's taxable year immediately preceding its first taxable year beginning on or after January first, nineteen hundred and ninety-six, as adjusted to include only real and tangible personal property actively used by the corporation in the conduct of a trade or business on the first day of the immediately succeeding taxable year.
'Base period payroll level', the total amount paid in this commonwealth for compensation, as computed under subsection (e), excluding amounts paid or attributable to the ten most highly compensated officers or employees, for the corporation's taxable year immediately preceding its first taxable year beginning on or after January first, nineteen hundred and ninety-six, as adjusted to include only compensation paid during such taxable year to individuals who are actively employed by the corporation on the first day of the immediately succeeding taxable year.

'Property level', the average value of all the corporation's real and tangible personal property owned or rented and used in this commonwealth for the corporation's taxable year, as computed under subsection (d).

'Payroll level', the total amount paid in this commonwealth for compensation for the corporation's taxable year, as computed under subsection (e), excluding amounts paid or attributable to the ten most highly compensated officers or employees.

'Defense Corporation', a domestic or foreign corporation which, during the sixty month period ending on December thirty-first, nineteen hundred and ninety-five, had derived more than fifty percent of its total gross receipts attributable to all business activities from manufacturing activities under contracts or subcontracts to provide manufactured items for sale directly or, in the case of a subcontractor, indirectly, to the Department of Defense or any branch of the Armed Forces of the United States.'; and by adding at the end thereof the following section:

"SECTION 4. Section one A of this act shall take effect on January first, two thousand and six."

The further amendments were adopted.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 5614), as amended,— then also was adopted.

The substituted bill then was ordered to a third reading.

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

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 5 (as printed) by adding at the end thereof the following paragraph:

"(i) The provisions of this section shall apply to expenditures incurred on or after January first, nineteen hundred and ninety-one; in the case of any taxable year which begins before January first, nineteen hundred and ninety-one, and ends before December thirty-first, nineteen hundred and ninety-one, the base amount and the qualified organization base period amount with respect to such taxable year shall be the amount which bears the same ratio to the base amount and the qualified organization base period amount for such year, determined without regard to this paragraph, as the number of days in such taxable year on or after January first, nineteen hundred
and ninety-one, bears to the total number of days in that taxable year.".

The amendment was adopted.

After remarks 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. Hynes of Marshfield; and on the roll call 133 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 252 in Supplement.]

Therefore the bill was passed to be engrossed. Mr. Brett of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 5617, 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 tomorrow at eleven o'clock A.M.; when the House adjourns tomorrow, it adjourn to meet on Monday next at twelve o'clock noon; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for the next sitting.

Mrs. Menard then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at half past five o'clock P.M. (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.
Prayer.

Thursday, November 9, 1995.

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:

Lord God, we place our confidence in You and in Your personal concern for each of us. We believe that Your personal care for us is constant and unlimited. Shortly, we, as a nation, will observe Veterans Day on which we honor all veterans, men and women, of the armed forces. In our thoughts and prayers we remember both the living and the dead. On Veterans Day itself, we express our gratitude to all veterans who have served the people, this nation, and have protected our personal, political and religious freedoms.

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

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

Message from the Governor.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year nineteen hundred and ninety-six to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5623) was filed in the office of the Clerk during the preceding sitting.

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

Resolutions.

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

Resolutions (filed by Speaker Flaherty of Cambridge) congratulating Dr. Thomas S. Durant, M.D., on receiving the Humanitarian Award of the United Nations;

Resolutions (filed by Mr. Brett of Boston) honoring Boston District Fire Chief Arthur L. Glover on the occasion of his retirement;

Resolutions (filed by Messrs. Brewer of Barre, Landers of Palmer and Peters of Charlton) honoring Rosario Chamberland of Sturbridge;

Resolutions (filed by Representatives Chandler of Worcester and other members of the House) on the dedication of the Chief Robert Mortell Public Safety Institute at Anna Maria College;
Resolutions (filed by Representatives Chesky of Holyoke and DeFilippi of West Springfield) commemorating the centennial year celebration of the Holyoke Volleyball Hall of Fame;

Resolutions (filed by Mr. Giglio of Medford) congratulating Mr. and Mrs. John Viveiros on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Mr. Kulik of Worthington) congratulating Dominick Gagliardi on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Kulik of Worthington) congratulating Kevin Mahoney on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Naughton of Clinton) congratulating Paul Cherubini on receiving the Clinton Area Chamber of Commerce nineteen hundred and ninety-five "Person of the Year" Award; and

Resolutions (filed by Ms. Richie of Boston) congratulating Nancy Wilson for her extraordinary contributions to contemporary music;

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

Orders.

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

Ordered. That, notwithstanding the provisions of Joint Rule 10, the committee on Banks and Banking be granted until Wednesday, November 15, 1995, within which to make its final report on current House documents numbered 565 and 3160.

Mr. Voke of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mr. DiMasi of Boston, the order was considered forthwith, there being no objection; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mrs. Gray of Framingham) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered. That, notwithstanding the provisions of Joint Rule 10, the committee on Natural Resources and Agriculture be granted until Wednesday, November 15, 1995, within which to make its final report on current House document numbered 5576.

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

The engrossed Bill further defining childbirth and postpartum care benefits (Senate, No. 2057) came from the Senate with the following amendments:

In section 7 striking out, in line 5 (as engrossed), the following: “four I” and inserting in place thereof the following “forty-seven F of chapter one hundred and seventy-five”; and in section 8 striking out, in line 4 (as engrossed), the words “postpartum care. Such” and inserting in place thereof the following: “postpartum care in accordance with section four of chapter one hundred and seventy-six G. In addition to such benefits, such”.

Under suspension of Rule 35, on motion of Ms. Chandler of Worcester, 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.

The House Order relative to extending until Friday, November 10, 1995, the time within which the committee on Government Regulations is authorized to report on certain current Senate and House documents, came from the Senate adopted, in concurrence, with the following amendment:

Striking out the date: “Friday, November 10, 1995” and inserting in place thereof the date: “Wednesday, November 15, 1995”.

Under suspension of Rule 35, on motion of Mr. Angelo of Saugus, the amendment was considered forthwith; and it was adopted, in concurrence.

A Bill relative to restrictions on the blind (Senate, No. 698, amended by adding at the end thereof the following section:

“SECTION 2. Chapter 12 of the General Laws is hereby amended by inserting after section 8N, as appearing in the 1994 Official Edition, the following four sections:—

Section 80. The director, upon written application stating the purpose and manner of raising funds, the time during which it is proposed to solicit, and the time and place of any proposed entertainment or game, may issue licenses to raise funds for the benefit of the blind persons, as that term is defined in section one hundred and thirty-three of chapter six. He may order a hearing on any such application, and may require such public notice thereof to be given as he deems expedient. If the director has reasonable grounds for believing that a violation of law is intended, or that the granting of the license will not be for the public interest, he may refuse to issue the same. Every such license shall contain the name of the applicant, the purpose for which it is granted, and the period, which shall not exceed one year, for which it is issued.

The director shall notify the Massachusetts Commission for the Blind immediately upon receipt of such application and further shall notify said commission within thirty days of approval of any such application.
Section 8P. No person shall offer for sale tags, tickets, souvenirs, or other merchandise, or conduct an entertainment or game, or otherwise solicit funds, for the benefit of any blind person or group of blind persons, without a license issued pursuant to section eight M. Whoever receives such a license shall cause to appear upon every article sold thereunder, and shall post in a conspicuous place near the entrance of any building where an entertainment or game is to be held thereunder, a statement that such sale, entertainment or game has been duly licensed by the director, and shall comply with all rules and regulations made by said director pursuant to section eight O.

Section 8Q. The director may make rules and regulations relative to the conduct of sales, entertainments, soliciting campaigns and other methods of raising funds for the benefit of blind persons, and may by such rules and regulations limit the amount of commissions and other compensation to be received by persons engaged in raising such funds. Such rules and regulations may provide penalties for the violation thereof not exceeding a fine of five hundred dollars for any particular offense.

Section 8R. Whoever violates any provision of section eight N 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 three months nor more than one year, or both. A conviction of any such violation shall be reported forthwith by the court or magistrate to the director, who may revoke the license of any licensed person so convicted.

Bills

To increase the commission for early childhood education (Senate, No. 301, amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. The first sentence of the second paragraph of section 70 of chapter 71 of the acts of 1993, as most recently amended by section 75 of chapter 151 of the acts of 1993, is hereby further amended by inserting after the word ‘Agencies,’ the following words:— a representative of the Massachusetts Federation of Teachers.

SECTION 2. The second sentence of said second paragraph of said section 70 of said chapter 71 as amended by section 264 of chapter 110 of the acts of 1993, is hereby further amended by striking out the words ‘April thirtieth, nineteen hundred and ninety-four’, and inserting in place thereof the following words:— December thirty-first, nineteen hundred and ninety-five.

SECTION 3. Said second paragraph of said section 70 of said chapter 71, as so appearing, is hereby further amended by striking out the third sentence.

SECTION 4. The last sentence of said second paragraph of said section 70 of said chapter 71 of the acts of 1993 is hereby amended by striking out the words ‘July first, nineteen hundred and ninety-
Unenrolled voters,—define term.

Resisting arrest.

Sexual assault victims,—privacy rights.

Dracut,—senior center.

Heath,—tax collector and treasurer.

Marlborough,—easement.

“Unenrolled”
voters,—define term.

Changing the term unenrolled to independent (Senate, No. 378, amended by inserting after section 6 the following section:

“SECTION 6A. Section 48 of said chapter 53, as so appearing, is hereby amended by striking out, in line 40 and line 44, the word ‘year’, each time it appears, and inserting in place thereof, in each instance, the following words:— ninety days.”) (on House, No. 1095);

Establishing a crime of resisting a police officer making a lawful arrest (Senate, No. 1932) (on Senate, No. 174);

Further protecting the privacy rights of victims of sexual assault and domestic violence (Senate, No. 1964, amended in section 1 by striking out the paragraph contained in lines 43 to 54, inclusive, and inserting in place thereof the following paragraph:

“Section 19B. (1) A hearing pursuant to this section shall not be ordered unless the court first determines that the confidential or privileged material is likely to contain information relevant to a material issue in the case. If the court so determines, the requesting party shall give notice of such hearing, and of the right to be heard, to the keeper or holder of the material sought, any person whose confidential or privileged communications or material may be at issue, and all parties, not less than seven days prior to such hearing. At such hearing, the burden of the party requesting access shall be met only by written materials and affidavits. Oral testimony shall not be allowed;” by inserting after line 121 the following paragraph:

“The court shall redact references to others if such redaction is necessary to protect the interests of third parties and such redaction will not deny the defendant a fair trial.;” and by inserting after the word “disclosure”, in line 153, the words “of the privileged material to the court or any person”) (on Senate, No. 870);

To establish a senior center safety zone in the town of Dracut (Senate, No. 1967) (on a petition) [Local Approval Received]; and

Providing for the appointment of the tax collector and treasurer of the town of Heath (Senate, No. 1992) (on a petition) [Local Approval Received];

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

Reports of Committees.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the commissioner of the Division of Capital Planning and Operations to grant a permanent easement to the city of Marlborough (Senate, No. 1941) ought to pass with an amendment by striking out sections 2 and 3 and inserting in place thereof the following four sections:

“SECTION 2. The sale price paid by the city of Marlborough for said easement shall be the full fair market value of such easement determined by independent appraisal, for its use as described herein. The inspector general shall review and approve said appraisal and
said review shall include an examination of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with section five of this act. The city of Marlborough or its designee shall pay said easement price in accordance with the terms of the agreement.

SECTION 3. The city of Marlborough or its designee shall be responsible for any costs for appraisals, surveys, and other expenses relating to the transfer of said parcel or for any costs and liabilities and expenses of any nature and kind for the installation, construction, development, maintenance or operation of said parcel. Any deed conveying by or on behalf of the commonwealth such easements shall limit the use of said easements to the installation, construction, operation and maintenance of waterlines. In the event that such easement is not commenced within two years or ceases to be used at any time for the purposes contained herein, said parcel and said easement of land shall revert to the care and control of the division of capital planning and operations and any further disposition of said parcel of land shall be subject to sections forty E to forty J, inclusive, of chapter seven of the General Laws.

SECTION 4. The easement price paid pursuant to section two shall be deposited in the general fund of the commonwealth.

SECTION 5. The commissioner shall, thirty days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for this review and comment. The inspector shall issue his review and comment within fifteen days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to execution.

Under suspension of Rule 41, on motion of Mr. Valianti of Marlborough, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on further motion of Mr. Valianti, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence. The bill (Senate, No. 1941, amended) then was sent to the Senate for concurrence in the amendment adopted by the House.

Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents Shriners,— motor vehicle registration plates.
Shriners,—

motor vehicle registration plates.

Cities and towns,—

quarterly taxes.

Clinical improvement units.

Child labor.

Hopkinton,—

Michael and Judy Carmody.

Biologies and laboratory sciences institute.

Energy conservation service.

further regulating the issuance of registration plates by the Registry of Motor Vehicles and other related matters (House, No. 5078) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2800) of Walter A. DeFilippi, Carol C. Cleven and Robert D. Hawke for legislation to authorize the Registrar of Motor Vehicles to issue distinctive motor vehicle plates to Shriners,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning local aid and various other matters related to the tax laws of the Commonwealth (House, No. 5236) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4403) of Thomas M. Petrolati relative to quarterly tax bills in cities and towns,— and recommending that the same be recommitted to the committee on Taxation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill to increase public access to data concerning physicians and create a clinical quality improvement unit at the Board of Registration in Medicine (House, No. 5181) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5625). Placed in the Orders of the Day for the next sitting for a second reading with the amendment pending, and the amendment previously recommended by the committee on Science and Technology also pending.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to child labor (House, No. 4757) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 5624).

By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to convey to Michael Carmody and Judy Carmody a certain parcel of land in the town of Hopkinton (House, No. 5401) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5626).

By the same member, for the same committee, that the Bill to promote the public health (House, No. 210) ought to pass with an amendment substituting therefor a Bill to establish the Massachusetts biologies and laboratory sciences institute (House, No. 5630).

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 Energy Conservation Service Public Advisory Committee (House, No. 3332) ought to pass.
By the same member, for the same committee, that the Bill relative to creating a citizens advisory committee of the South Essex Sewerage District (House, No. 3976, changed) ought to pass.

By the same member, for the same committee, that the Bill relative to the reorganization of the Department of Public Safety and fire services of the Commonwealth (House, No. 5290) ought to pass.

By the same member, for the same committee, that the Bill relative to health insurance (House, No. 5618) ought to pass.

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

By Mr. Haley of Weymouth, for the committee on Criminal Justice, on House, Nos. 1970 and 2883, App. D, a Bill to provide for the prosecution of violent juvenile offenders in the criminal courts of the Commonwealth (House, No. 5627).

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on Senate, No. 2066 and House, No. 5610, a Bill establishing an infrastructure investment fund in the town of Winchendon (House, No. 5610, changed in section 1 by striking out, in line 5, the word "all") [Local Approval Received].

By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill authorizing the town of Franklin to convey a certain parcel of land (House, No. 5580) [Local Approval Received].

By Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill making appropriations to fund a certain collective bargaining agreement between the Higher Education Coordinating Council and the Massachusetts Teachers Association/NEA (printed in House, No. 5607) [Cost: $3,655,935.00].

By the same member, for the same committee, on House, No. 5445, a Bill making appropriations for the fiscal year nineteen hundred and ninety-six and ninety-six to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5628) [State Appropriation $5,121,582.00].

The same member, for the same committee, on a message from His Excellency the Governor (House, No. 5567) reports, in part, a Bill making appropriations for the fiscal year nineteen hundred and ninety-six and ninety-six to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5629) [State Appropriation: $1,988,954.00].

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

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 5586) of Thomas P. Kennedy relative to the transfer of municipal licenses. Placed in the Orders of the Day for the next sitting, the question being on acceptance.
Safety
civil service.

Emergency Measure.

The engrossed Bill relative to the civil service appointment of certain police officers and firefighters (see House, No. 5463, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

Orders of the Day.

The House Bill establishing a community housing corporation in the town of Acton (House, No. 5283) (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 relative to the salaries of the members of the municipal light commission of the city of Peabody (House, No. 5486, 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 2 (previously inserted by change).

The amendment was adopted; and the bill (House, No. 5486, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

At twenty-two minutes before twelve o'clock noon, on motion of Ms. Chandler of Worcester (Mr. Serra of Boston being in the Chair), the House adjourned, to meet on Monday next at twelve o'clock noon.

Met according to adjournment, at twelve o'clock noon.

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

Eternal God, we place our trust in You, and in the wisdom of Your ways and precepts. In Your kindness, bless our efforts to remain faithful to You, to our own philosophical and ethical principles, and to our goals of serving the well-being of the people and of our communities. Guide us as we address current complex, and sometimes emotional legislative issues, so that our discussions will be reasonable and relevant. Help us to resolve issues on the merits and the soundness of the legislation. Inspire us to build trust in each other, in our institutions, and constitutional principles upon which our government operates.

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 certain collective bargaining agreements between the Board of Trustees of the University of Massachusetts and the employee organizations representing faculty and librarians at the university’s Amherst, Boston, Dartmouth and Lowell campuses (House, No. 5646) 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 Ways and Means.

A message from His Excellency the Governor recommending legislation relative to streamlining the suspension of licenses held by delinquent child support obligors (House, No. 5631) was filed in the office of the Clerk on Thursday, November 9.

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

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

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to posses-
Marihuana,—medical use.

Hen of marihuana for medical purposes [see House, No. 2170, amended] (for message, see House, No. 5632) was filed in the office of the Clerk prior to today’s sitting.

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

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Ms. Jehlen of Somerville, to the committee on Bills in the Third Reading.

Statement Concerning Representative Greene of Billerica.

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 Greene of Billerica, is unable to be present in the House Chamber due to official business in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

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

Statement Concerning Representative Lane of Holden.

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 Lane of Holden, will not be present in the House Chamber for today’s sitting due to a previous family commitment. 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 Mr. Connolly of Everett) commending officer Paul Durant of the Everett Police Department for his heroic actions;

Resolutions (filed by Mr. Connolly of Everett) commending officer Robert Hall of the Everett Police Department for his heroic actions; and

for winning the nineteen hundred and ninety-five New England Marching Band Championships;

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. Connolly, 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. Miceli of Wilmington) congratulating Barbara E. Tanner on the occasion of her retirement from the Tewksbury Public Schools;

Resolutions (filed by Mr. Nagle of Northampton) honoring Frank E. Tudryn, Jr., for his twenty-five years as head football Coach of the Northampton High School football team;

Resolutions (filed by Mrs. Simmons of Leominster) commending Officer Dwayne Flowers of the Leominster Police Department for his heroic actions; and

Resolutions (filed by Mrs. Simmons of Leominster) commending Officer Thomas Kent of the Leominster Police Department for his heroic actions;

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.

Order.

The following order (filed by Mrs. Gray of Framingham) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Natural Resources and Agriculture be granted until Friday, February 16, 1996, within which to make its final report on current Senate documents numbered 1085, 1124, 1147, 1154, 1164, 1197, 1834, 1994, 2011, 2017, 2018, 2032 and 2065; and on current House documents numbered 1167, 2233, 3398, 4512, 4994, 5135, 5212, 5286, 5295, 5392, 5400, 5423, 5448, 5504, 5476, 5529 and 5603.

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

The House Bill relative to business organizations in the Commonwealth (House, No. 4045, changed and amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment in section 18 by striking out the paragraph contained in lines 1363 to 1377, inclusive (inserted by amendment by the Senate), and inserting in place thereof the following two paragraphs:

"Section 67. Any person who is identified on the certificate of organization, as amended, of a domestic limited liability company, or on the application for registration, as amended, of a foreign limited liability company, as a manager or as a person who is authorized to execute any documents to be filed with the office of the state secretary, may certify as to the incumbency of any manager or member and as to the authority of any person, whether or not such person is identified on the certificate of organization or on the application for registration, to act for the limited liability company, including without limitation with respect to the matters referred to in section sixty-six, and any such certification shall be binding on the limited liability company in favor of a person relying in good faith on such certification, notwithstanding any inconsistent provisions of the operating agreement, side agreements among the members, the managers or both, by-laws or rules, resolutions or votes of the limited liability company.

Section 68. A limited liability company shall be deemed to be in good standing with the secretary of the commonwealth if such limited liability company appears from the records of the said secretary to exist and has paid all fees then due to the secretary, and no certificate of cancellation has been filed by or with respect to the limited liability company. Upon the request of any person and payment of such fee as may be prescribed by law, the secretary of the commonwealth shall issue a certificate stating, in substance, as to any limited liability company meeting the requirements of this section, that such limited liability company appears from the records in his office to exist and to be in good standing and the identify of any and all manager and persons authorized to act with respect to real property instruments who are named in the certificate of organization of the limited liability company, as amended."; and also concurred with the House in its amendment by inserting after section 18 the following section:

"SECTION 18A. Chapter 175 of the General Laws is hereby amended by inserting after section 66E the following section:

Section 66F. A domestic life company may invest in or otherwise acquire and hold a limited liability company interest in any limited liability company formed pursuant to the General Laws or pursuant to the laws of any state or of the United States. No limited liability company interest shall be acquired under this section if the cost thereof would exceed two percent of the assets of such domestic life company nor if such cost, plus the book value on
the date of such acquisition of all limited liability company interests held under this section, would exceed ten percent of such assets.”; and non-concurred with the House in its amendment by striking out section 20A.

On motion of Mr. Bosley of North Adams, the House receded from its amendment (striking out section 20A).

The House Bill authorizing the Division of Capital Planning and Operations to grant certain title, easements and right of way in certain parcels of land in the town of Fairhaven (House, No. 4967, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2035.

Under suspension of the rules, on motion of Mr. Straus of Mattapoisett, the amendment was considered forthwith.

The committee on Bills in the Third Reading then reported recommending that the House concur with the Senate in its amendment with a further amendment by adding at the end thereof the following three sections:

“SECTION 4. The price paid by the recipient for said title, easement, or right of way shall be the full and fair market value of the property determined by the independent appraisal, for its use as described herein, provided however, that the price shall not exceed eighty thousand dollars. The inspector general shall review and approve said appraisal and said review said appraisal and said review shall include a review of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means, and chairmen of the joint committee on state administration in accordance with section 5 of this act.

SECTION 5. The commissioner of the division of capital planning and operations shall thirty days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within fifteen days of receipt of any agreement or amendment. The commissioner of the division of capital planning and operations shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to the execution. The recipient of said title, easement or right of way shall pay said price in accordance with the terms of the agreement.

SECTION 6. The price paid for said title, easement or right of way pursuant to section 4 shall be deposited in the general fund of the commonwealth.”.

Fairhaven,—
land titles, etc.
The further amendment was adopted.

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

The House Bill further regulating the sale of cigarette paper (House, No. 5027, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment.

Under suspension of Rule 35, on motion of Mr. Bosley of North Adams, the amendment was considered as follows:

By adding at the end thereof the following section:

"SECTION 2. Subdivision (c) of section 13 of chapter 64C of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following new paragraph:—

(c) The term ‘cost to the wholesaler’ shall mean basic cost, which is defined as the invoice cost to the wholesaler, plus the face amount of the state cigarette excise or the replacement cost of the cigarettes to the wholesaler within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash; to which shall be added a wholesaler’s mark-up to cover in part the cost of doing business, which wholesaler’s mark-up, in the absence of proof of a lesser or higher cost of doing business by the said wholesaler shall include all direct costs attributable to the receiving, bonding, stamping, handling, storing, sales and delivery of cigarettes, and, shall additionally include as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead cost and expenses, paid or incurred, including without limitation, labor, salaries of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery, delivery costs, all types of licenses, taxes, insurance and advertising, shall be two per centum of said basic cost of the cigarettes to the wholesaler, except for sales to chain stores which shall be one-half per centum, plus cartage to the retail outlet if performed or paid for by the wholesaler, which cartage cost shall be deemed to be three-fourths of one per cent of the basic cost of the cigarettes to the wholesaler, unless said wholesaler claims and proves a lower cartage cost, or of the replacement cost of the cigarettes to the wholesaler within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash.”.

The committee on Bills in the Third Reading then reported recommending that the House concur with the Senate in its amendment with a further amendment striking out the title and inserting in place thereof the following title: “An Act further regulating the sale of cigarettes and cigarette papers.”. The further amendment was adopted.
Mr. Bosley then moved that the House concur with the Senate in its amendment with a further amendment by inserting the following two sections:

"SECTION 1. Section 1 of chapter 64C, as so appearing, is hereby amended by inserting after the word 'machines', in line 31, the following words:—

'proof of age', a driver's license or other generally accepted means of identification that describes the individual as eighteen years or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

'public place', any public street, sidewalk or park, or any area open to the public in any publicly owned or operated building;

'sample', any tobacco products distributed to members of the general public at no cost or at nominal cost for product promotional purposes;

'sampler', any person engaged in the business of sampling other than a retailer;

'sampling', the distribution of samples to members of the general public in a public place;

'tobacco product', any product that contains tobacco and is intended for human consumption.

SECTION 2. Said chapter 64C is hereby further amended by inserting after section 2 the following two sections:—

Section 2A. (a) No person shall engage in the business of sampling within the commonwealth unless licensed to do so in accordance with section sixty-seven of chapter sixty-two C. If a firm contracts with a manufacturer to distribute samples of the manufacturer's products, said firm shall be deemed to be the person engaged in the business of sampling.

(b) A sampler's license shall expire on the thirtieth day of June of each year. The fee for a sampler's license and each renewal thereof shall be determined annually by the commissioner of administration pursuant to section three B of chapter seven; provided, however, that the fee for a manufacturer whose employees distribute samples within the commonwealth shall be five hundred dollars per annum, and the fee for all other samplers shall not be less than fifty dollars per annum.

(c) A sampler's license shall entitle the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the commonwealth during the term of the license. The license or a copy thereof must be carried at all times by any person engaged in sampling pursuant to such license.

(d) A licensee shall notify the commissioner in writing of the location and hour at which the sampling is to be conducted by or on behalf of the licensee not less than thirty days prior to such sampling. The licensee shall provide copy of said notice to the police authority for the city, town or other political subdivision of the commonwealth in which the sampling is to be conducted not less than thirty days prior to such sampling.
(e) A sampler’s license shall not be required to distribute samples in or at a store or concession for which a retailer’s license has been issued. Notice under subsection (d) shall not be required to distribute samples in or at such a store or concession or in or at locations where sampling is permitted under section four.

Section 2B. (a) No person shall distribute or offer to distribute samples in any public place; provided, however, that this prohibition does not apply to sampling (i) in an area to which persons under the age of eighteen are denied admission, (ii) in or at a store or concession for which a retailer’s license has been issued.

(b) Notwithstanding the provisions of paragraph (a), no person shall distribute or offer to distribute samples in or on any public street, sidewalk or park that is within five hundred feet of any playground, school or other facility when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes.

(c) A person engaged in sampling shall require proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that such prospective recipient may be under the age of eighteen.

Any person who violates the provisions of this section shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each violation.”.

The further amendment was adopted.

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

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 Nancy Flavin and Stanley C. Rosenberg relative to authorizing the South Hadley housing authority to make a certain payment to the Lawler Construction Company. Under suspension of Rule 42, on motion of Ms. Flavin of Easthampton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

By Mr. Angelo of Saugus, for the committee on Government Regulations, on House, No. 5531, a Bill regulating the conduct of horse and dog racing in the Commonwealth (House No. 5640), which was read [Senator Shannon, and Representatives Hyland of Foxborough and Barsom of Wilbraham, dissenting].

Under suspension of the rules, on motion of Mr. Angelo of Saugus, 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.
Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning the civil service system, retirement benefits, regulations and various other matters related to public employees (House, No. 5329) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4764) of Mary A. Ryan for legislation to authorize the reinstatement of Mary A. Ryan as a member in service in the teachers' retirement system,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Tobin of Quincy, for the committee on Ways and Means, that the Bill relative to civil service placement for Richard J. Flynn (printed as Senate, No. 1910) ought to pass [Local Approval Received]. Placed in the Orders of the Day for the next sitting, the question being on ordering the bill to a third reading.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill regulating the practice of dietetics/nutrition (House, No. 4791) ought to pass with an amendment substituting therefor a Bill relative to the licensure of dietitians and nutritionists (House, No. 5648). Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending, and the amendment previously recommended by the committee on Science and Technology also pending.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill to establish the Massachusetts retirement incentive for military division employees (House No. 4011, changed) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5642).

By the same member, for the same committee, that the Bill relative to the punishment for first and second degree murder (House, No. 5176) ought to pass with an amendment substituting therefor a bill with the same title (House No. 5643).

By the same member, for the same committee, that the Bill to curb frivolous inmate litigation (House, No. 5254) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5644).

By the same member, for the same committee, that the Bill relative to insurance redlining (House, No. 5255) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5649).

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 establishing a board of registration of architects and interior designers (House, No. 3710) ought to pass.
By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to grant easements over certain parcels of land located in the city of Lowell (House, No. 5218) ought to pass.

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

By Mr. Brett of Boston, for the committee on Taxation, on House, Nos. 4403 and 5604, a Bill relative to quarterly tax bills in the cities and towns (House, No. 5645).

By Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill relative to the terms of certain bonds and notes to be issued by the Commonwealth (printed in House, No. 5489).

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill relative to the terms of certain notes to be issued by the Commonwealth (printed in House, No. 5573, changed by striking out, in lines 9 and 10, the words “nineteen hundred and ninety-seven, and nineteen hundred and ninety-eight,”).

By the same member, for the same committee, on House, No. 5612, a Bill relative to the expansion, upkeep, and reinvestment in the existing correctional facilities of the Commonwealth and the counties, and the facilities of the Department of Youth Services (House, No. 5650) [Bond Issue: $399,559,833.00].

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

Engrossed Bills.

The engrossed Bill relative to the civil service appointment of certain police officers and firefighters (see House, No. 5463, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed bills

Establishing a Ware River watershed advisory committee (see Senate, No. 1194);

Relative to the structure, management and operation of state-chartered credit unions (see Senate, No. 1879, amended); and

Further defining childbirth and postpartum care benefits (see Senate, No. 2057, amended);

(Which severally originated in the Senate);

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

House bills
Relative to sexual harassment, education and training in the workplace (House, No. 4052);
Authorizing the commissioner of public works of the city of Newton to act upon certain underground utility petitions (House, No. 5490); and
Relative to contributions to political action committees by wire transfer (House, No. 5592) (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 making appropriations to fund a certain collective bargaining agreement between the Higher Education Coordinating Council and the Massachusetts Teachers Association/NEA (printed in House, No. 5607) was read a second time; and it was ordered to a third reading.
Subsequently, 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; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to massage therapy (House, No. 3729) was ordered to a third reading.

Senate bills:
Changing the term unenrolled to independent (Senate, No. 378, amended);
Establishing a crime of resisting a police officer making a lawful arrest (Senate, No. 1932);
Further protecting the privacy rights of victims of sexual assault and domestic violence (Senate, No. 1964, amended);
To establish a senior center safety zone in the town of Dracut (Senate, No. 1967); and
Providing for the appointment of the tax collector and treasurer of the town of Heath (Senate, No. 1992, amended); and
House bills
Relative to the Energy Conservation Service Public Advisory Committee (House, No. 3332);
Relative to creating a citizens advisory committee of the South Essex Sewerage District (House, No. 3976, changed);
Authorizing the town of Franklin to convey a certain parcel of land (House, No. 5580); and
Establishing an infrastructure investment fund in the town of Winchendon (House, No. 5610, changed);
Severally were read a second time; and they were ordered to a third reading.
The House Bill to increase public access to data concerning physicians and create a clinical quality improvement unit at the Board of Registration in Medicine (House, No. 5181) was read a second time.

The amendment previously recommended by the committee on Science and Technology,— that the bill be amended by substitution of a Bill to increase public access to data concerning physicians and create a clinical quality improvement program at the Board of Registration in Medicine (House, No. 5544),— was rejected.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill to increase public access to data concerning physicians and create a clinical quality improvement unit at the Board of Registration in Medicine (House, No. 5625),— 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 to Michael Carmody and Judy Carmody a certain parcel of land in the town of Hopkinton (House, No. 5401) 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. 5626),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill further regulating the rental voucher program in the Commonwealth (House, No. 5112, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Fennell of Lynn moved that it be amended by substitution of a Bill relative to the Massachusetts rental voucher program (House, No. 5641), which was read.

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

At seventeen minutes before one o'clock P.M., on motion of Mrs. Menard of Somerset, the House recessed until a quarter after one o'clock P.M.; and at half past one o'clock the House was called to order.

The House Bill providing for a faculty representative on the boards of trustees of the community colleges (House, No. 4085) 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 relative to the membership of the boards of trustees of community colleges (House, No. 5647), which was read.

Pending the question on adoption of the amendment, Representatives Owens-Hicks of Boston and Coon of Andover moved, there being no objection, that the proposed substitute bill be amended by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Section 21 of Chapter 15A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting at the end of paragraph two the following:— Notwithstanding any general or special law to the contrary, one of the ten members appointed by the governor to serve as trustee at each of the community colleges shall be appointed from a list of three persons nominated by the Massachusetts Community College Council."

The further amendment was adopted. The amendment recommended by the committee on Bills in the Third Reading, as amended, then also was adopted; and the substituted bill was passed to be engrossed. The bill (House, No. 5647, printed as amended) then was sent to the Senate for concurrence.

The House Bill providing access to certain sanitary stations for those with medical necessity (House, No. 2169, changed and amended) was read a third time.

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

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

The Senate Bill relative to the payment of wages (Senate, No. 1929) 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 relative to investment of public funds (House, No. 5590) was considered.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. DeLeo of Winthrop, until Thursday, November 16.

The Senate Bill to increase the commission for early childhood education (Senate, No. 301, amended) was read a second time; and it was ordered to a third reading.

The House Bill to promote the public health (House, No. 210) 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 to establish the Massachusetts biologic and laboratory sciences institute (House, No. 5630),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to child labor (House, No. 4757) was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 5624),— and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mr. Bosley of North Adams, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the reorganization of the Department of Public Safety and fire services of the Commonwealth (House, No. 5290) 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 in section 8 by striking out, in line 24, the word "governor" and inserting in place thereof the following: "Massachusetts fire service commission as established in section 165B of chapter 6 of the General Laws"; by adding at the end of section 11 the following:

"The Commission shall have statutory responsibility for the following:

1.) appoint the fire marshal  
2.) promulgate regulations and policies pertaining to the operation of the division of state fire marshal  
3.) review the annual budget developed by the division of the state fire marshal  
4.) advise the division of the state fire marshal regarding state and national fire codes  
5.) consult with the Massachusetts Fire Training Council to develop standards for fire investigation training and certification.";

in section 14 by inserting after the word "services;", in line 6, the words "board of building regulations and standards;", and by striking out, in line 7, the word "committee" and inserting in place thereof the word "bureau"; by striking out sections 17, 55, 57, 65, 66, 67, 68, 69 and 70; by striking out section 75 and inserting in place thereof the following section:

"SECTION 75. Section 28 of chapter 121B of the General Laws is hereby repealed."; and by striking out sections 76, 136, 137, 138 and 176.

The amendments were adopted.

There being no objection,— Messrs. Hodgkins of Lee and Pedone of Worcester moved that the bill be amended by inserting after section 85 the following section:
"SECTION 85A. The fourth paragraph of section 129C of chapter 140 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following clause:—

(u) Any nonresident who is eighteen years of age or older when acquiring a rifle or shotgun from a licensed firearms dealer; provided, however, that such nonresident holds a valid firearms license from his state of residence; provided, further, that the licensing requirements of his state of residence are as stringent as the requirements of the commonwealth for a firearm identification card, as determined by the Colonel of the State Police who shall, annually, publish a list of those states whose requirements comply with the provisions of this clause.”.

The amendment was adopted.
The bill (House, No. 5290, amended) then was ordered to a third reading.

The House Bill relative to health insurance (House, No. 5618) was read a second time.

Pending the question on passing the bill to be engrossed, Mr. Teague of Yarmouth moved that it be amended by substitution of a Bill repealing the law imposing employer mandates for health insurance for employees, which was read.

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 96 in the negative.

[See Yea and Nay No. 253 in Supplement.]

Therefore the amendment was rejected.

There being no objection,— Representatives Teague of Yarmouth and Rogeness of Longmeadow moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding the provisions of Section 19 of Chapter 118F, as appearing in the 1994 Official Edition, or Section 79 of Chapter 23 of the acts of 1988, as most recently amended by section 3 of chapter 274 of the acts of 1994, or any other general or specific law to the contrary, the mandate shall not take effect until the last day of January, 1997.”.

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; and on the roll call 56 members voted in the affirmative and 94 in the negative.

[See Yea and Nay No. 254 in Supplement.]

Therefore the amendment was rejected.
The bill then was ordered to a third reading.

Under suspension of the rules, on motion of Mr. McDonough 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, its
title having been changed by said committee to read: An Act relative to certain health insurance contributions.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Flaherty of Cambridge; and on the roll call 148 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 255 in Supplement.]

Therefore the bill (House, No. 5618) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill to provide for the prosecution of violent juvenile offenders in the criminal courts of the Commonwealth (House, No. 5627) 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. Flaherty of Cambridge, until Thursday, November 16.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-six to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5628) was read a second time; and after debate it was ordered to a third reading.

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

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes of Marshfield; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 256 in Supplement.]

[Ms. Kaprielian of Watertown answered “Present” in response to her name.]

Therefore the bill (House, No. 5628) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-six to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5629) 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, Mr. Brewer of Barre and other members of the House moved, there being no objection, that the bill be amended in section 2 by adding at the end thereof the following item:
The amendment was adopted.

Ms. Resor of Acton then moved that the bill be amended by adding at the end thereof the following three sections:

"SECTION 13. Section 35D of chapter 10 of the General Laws, as appearing in the 1990 Official Edition as amended by Chapter 133, Section 190 of the Acts of 1992, is amended by inserting after the word ‘thereunder’ the following:

(5) or under the provisions of section 33 of Chapter 90.

SECTION 14. Section 2 of Chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is amended by inserting in line 178 after the word ‘member’ the following:— The registrar may also, upon the payment of the fee required in section thirty-three, furnish to the owners of private passenger motor vehicles special number plates of a distinct type, to be known as the Natural Heritage and Endangered Species plate, which may contain a register number and a design. The registrar may determine such standards and qualifications for the issuance of said plates as he deems proper, provided however that the design of the plates and all promotional activity be done by the registrar with the concurrence of the director of the division of fisheries and wildlife.

SECTION 15. Section 33 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is amended in line 8 after the word ‘applicant’ by inserting the following:— of a natural heritage and endangered species plate. Section 33 is further amended by inserting after the third paragraph the following:— An additional mandatory nonrefundable fee of not less than forty dollars for each natural heritage and endangered species plate shall be deposited annually in the natural heritage and endangered species fund established pursuant to section 35D of Chapter 10.”.

The amendment was adopted.

Mr. Brewer of Barre then moved that the bill be amended in section 2 by inserting after item 2100-3010 the following item:

"Department of Fisheries, Wildlife and Environmental Law Enforcement.

2350-0101 58,282”.

After remarks the amendment was adopted.

Mr. Kulik of Worthington then moved that the bill be amended by inserting after section 6 the following two sections:

"SECTION 6A. For the purposes of assessing the per pupil tuition payment from a sending district to a charter school, the residence of a student enrolled in a charter school shall be the student’s legal residence as of April fifteenth of each year. A charter school..."
shall annually certify to the secretary of education no later than November first of each year that it has verified in writing the residence of each enrolled student with the superintendent of schools or the city or town clerk of each sending municipality.

SECTION 6B. Section 89 of Chapter 71 of the General Laws is amended by inserting after the word ‘located’ in the second sentence in paragraph nine the following:— ; provided however, that any municipality that is a member of a full or partial academic regional school district shall be exempted from the enrollment preference provision of this paragraph.

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 16. Section 2 of Chapter 38 of the acts of 1995 is hereby amended by inserting after item 1410-0400 the following new item:

Office on Alzheimer’s Disease.

For the administration of the office on Alzheimer’s disease and related disorders ......... 150,000".

After remarks the amendment was adopted.

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

"SECTION 17. Item 0332-8000 of Section 2 of Chapter 38 of the Acts of 1995 is hereby further amended in line 3 by striking out the word ‘domestic’ and inserting in place thereof the word ‘substance’.

After remarks the amendment was adopted.

There being no objection,— Representatives Toomey of Cambridge and Kaprielian of Watertown moved that the bill be amended in section 2 by adding at the end thereof the following item:

"7061-9700 For the costs of borrowing audiotape textbooks by Massachusetts special education students whose disabilities limit the use of standard print. These include: blindness, visual impairments, learning disabilities such as dyslexia, or other physical disabilities such as cerebral palsy ......... 100,000".

After remarks the amendment was adopted.

There being no objection,— Representatives Verga of Gloucester, Ruane of Salem, Petersen of Marblehead, Kerans of Danvers and Slattery of Peabody moved that the bill be amended in section 2 by inserting after item 2100-3010 the following item:

"Department of Fisheries, Wildlife and Environmental Law Enforcement.

2330-0100 ......... 89,100".

After remarks the amendment was adopted.
Mr. Serra of Boston being in the Chair,— Representatives Menard of Somerset and Caron of Springfield moved, there being no objection, that the bill be amended by adding at the end thereof the following section:

"SECTION 18. Group 4 of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws is hereby amended by inserting after the word 'officer', in line 324, as appearing in the 1994 Official Edition, the following words:— , inmate transportation officer I."

The amendment was adopted.

There being no objection.— Messrs. Peters of Charlton, Kujawski of Webster and Kollios of Millbury moved that the bill be amended by adding at the end thereof the following section:

"SECTION 19. Item 0332-7600 of section 2 of chapter 38 of the Acts of 1995 is hereby amended by striking out the figure '821,475' and inserting in place thereof the following figure:— 880,742.'".

The amendment was adopted.

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

"SECTION 20. Section 2 of chapter 38 of the acts of 1995 is hereby amended by inserting at the end of line item 4403-2119 the following:— provided, further, that not less than fifty thousand dollars shall be expended on the so-called Teen Parents' Program located in Hingham.'"

After remarks the amendment was adopted.

Mr. Caron of Springfield then moved that the bill be amended by adding at the end thereof the following seven sections:

"SECTION 21. Sections sixty and sixty-one of chapter ten as appearing in the nineteen hundred and ninety-four Official Edition are hereby repealed.

SECTION 22. The fourth sentence of paragraph thirteen of section two of chapter ninety, as so appearing, is hereby repealed.

SECTION 23. Section seven A of said chapter ninety, as so appearing, is amended by striking said section and inserting in place thereof the following section:

Section 7A. The registrar shall establish rules and regulations providing for a periodic annual staggered safety and combined safety and emissions inspection of all motor vehicles; provided, however, that a motor vehicle with a gross vehicle weight rating of over eight thousand five hundred pounds, if gross weight rating is not available a registered weight in excess of eight thousand five hundred pounds, motorcycles, diesel powered vehicles, motor vehicles more than fifteen model years old before the date of inspection, and motor vehicles not capable of a speed greater than twenty-five mile per hour under any condition of operation or loading on a level surface shall be exempt from such emissions inspection but shall be subject to such safety inspection, and such vehicle shall be inspected for excessive smoke emissions, as provided in section sixteen. Any regulation, as defined in section 1 of chapter thirty A, or any amendment or repeal of any such regulation adopted by the registrar pur-
Supplementary appropriations.

Supplementary to this paragraph, shall, after compliance with all applicable provisions of said chapter thirty A, except section five, shall be submitted to the general court. Said registrar shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives together with a statement that the pertinent provisions of said chapter thirty A, except section five, have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman’s terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the registrar. Said registrar shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with the said chairmen. Said registrar shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect; provided, however, that the periodic annual inspection for motorcycles shall not be staggered shall run from June first of each year until May thirty-first of the following year.

The purpose of the safety and combined safety and emissions inspection regulations shall require that motor vehicles are provided with the following equipment maintained in good order: a vehicle identification number, brakes, stop lamps, lights, directional signals, horn, exhaust system, steering and suspension systems, glazing, windshield cleaner, number plates, tires, fenders, bumpers, external sheet metal, reflectors, splash guards, chock blocks, and air pollution emission control systems or devices and safety belts for motor vehicles, where such safety belts were installed as original equipment at the date of manufacture of such motor vehicle.

The registrar shall establish rules and regulations providing for the inspection of school buses or buses operated under a certificate, license, or permit issued in accordance with the provisions of chapter one hundred and fifty-nine A which are used for the transportation of school children to and from school and in connection with school activities other than such buses used simultaneously as public common carriers of passengers or designed primarily for mass transportation within seven days of the date on which the vehicle is first registered to a new owner and during the fall, winter, and spring. First inspection in the months of August and September, second inspection in the months of December and January, third inspection in the months of April and May. The semiannual safety inspection for those vehicles regulated by section seven D shall be inspected during the fall and winter, first inspection during the months of October and November, second inspection during the months of February and March. Such inspection shall be in addition to the annual safety and emissions inspection as required by this section.
The secretary of administration, pursuant to the provisions of section three B of chapter seven, shall determine the amount to be charged for an inspection of all motor vehicles which are exempt from the emissions inspection and for the combined safety and emissions inspection for all motor vehicles which are required to be so inspected by the registrar.

Each inspection station shall remit a portion of the fee, said portion to be determined by the registrar and commissioner for deposit in the Highway fund.

Each applicant to become a licensee shall remit a fee established by the registrar before any license is issued pursuant to section seven W. Said fee shall be deposited in the Highway Fund.

Said rules and regulations promulgated by the registrar pursuant to this section shall provide that a motor vehicle which is not garaged or operated within the commonwealth during its assigned inspection period may be operated for fifteen days after its return to the commonwealth if said motor vehicle bears satisfactory proof of adequate safety or emission inspection from another jurisdiction. The owner or person in control of said motor vehicle shall obtain the required safety and emissions inspection within said fifteen days.

SECTION 24. Said chapter ninety is hereby further amended by striking out section seven W, as so appearing, and inserting in place thereof the following section:—

Section 7W. Inspections of motor vehicles under section seven A shall be performed by fleet inspection stations or inspection stations and where applicable, referee stations. The registrar shall establish rules and regulations for the licensing of fleet inspection stations, inspection stations and referee stations. Such rules and regulations shall include but not be limited to the following:—

(a) the requirement that the licensee possess an emissions analyzer meeting the design and operational specifications established by the commissioner, except those stations licensed to conduct safety inspections only. Said emissions analyzer shall be operated and maintained in conformance with the regulations adopted under section one hundred and forty-two J of chapter one hundred and eleven;

(b) a requirement that the licensee collect and maintain accurate data and any information which the commissioner determines to be necessary for quality control;

(c) a requirement that the licensee allow emissions testing to be performed only by properly trained inspectors certified by the commissioner; and

(d) a provision that any person who owns or maintains a fleet of at least twenty-five motor vehicles and maintains a garage for the repair and maintenance of those vehicles may be licensed as a fleet inspection station to inspect those vehicles.

Any regulation, as defined in section one of chapter thirty A, or any amendment or repeal of any such regulation adopted by the registrar pursuant to this section, shall, after compliance with all applic-
Supplementary appropriations. able provisions of said chapter thirty A, except section five, shall be submitted to the general court. Said registrar shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five, have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman’s terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the registrar. Said registrar shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with the said chairmen. Said registrar shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect.

SECTION 25. Chapter one hundred and eleven, as so appearing, is hereby amended in section one hundred and forty-two J by striking the third, fourth and fifth paragraphs.

SECTION 26. Said chapter one hundred and eleven, as so appearing, is hereby further amended by striking section one hundred and forty-two M.

SECTION 27. Chapter four hundred and ninety of the acts of nineteen hundred and ninety-three is hereby amended by striking sections seven, eight, nine and ten.”.

After remarks the amendment was adopted.

Mrs. Menard of Somerset being in the Chair,— Mr. Cabral of New Bedford moved that the bill be amended in section 2 by striking out item 2100-2030 and inserting in place thereof the following item:

“2100-2030 Provided that fifty thousand dollars shall be expended for the Schooner Ernestina Commission, so-called ......................... 164,039”.

After remarks the amendment was adopted.

Mr. Serra of Boston being in the Chair,— Mr. Coon of Andover moved that the bill be amended by adding at the end thereof the following section:

“SECTION 28. Notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, the commissioner of administration is hereby authorized to approve lease agreements between state agencies or departments and private parties for use of space on commonwealth communications towers or high-ground facilities upon such terms and conditions as said commissioner may prescribe in consultation with said agencies or departments. Solicitations of private parties for said lease agreements shall be conducted using good business practices as approved by said com-
missioner. Said lease agreements can include, without limitation, provisions for access to communications towers and high-ground facilities and for placement and use of ancillary equipment, facilities, and fixtures. Said lease agreements shall have a maximum duration of five years and may be extended for no more than two one-year terms upon such terms and conditions as shall be approved by said commissioner. At the expiration of any original term and any extensions, rights of use shall be subject to another public solicitation. Lease payments made pursuant to this section shall be eligible for inclusion in the revenue optimization initiative authorized by section three hundred and nine of chapter thirty-eight of the acts of nineteen hundred and ninety-five.”.

The amendment was adopted.

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

“SECTION 29. No bituminous concrete manufacturing facility located within the City of Boston shall be located in an area which is less than one-half mile in linear distance from any Hospital or area occupied by residential housing. Said linear distance shall be measured from the outermost perimeter of such bituminous concrete manufacturing facility to the outermost point of any adjacent Hospital zone or residential housing; provided however, that any bituminous concrete manufacturing facility in operation as of November 15, 1995, shall not be subject to this provision.”.

The amendment was adopted.

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

“SECTION 30. Notwithstanding the provisions of chapter seven hundred and seventy-five of the acts of nineteen hundred and seventy-five, or of any other general or special law to the contrary, real estate owned by the Massachusetts municipal wholesale electric company, including any improvements thereon, located in the town of Ludlow shall not be conveyed or leased unless the land and improvements are first offered for sale to the said town for the minimum price established by such corporation; provided, however, that in the event that such offer is not accepted within six months by the said town, or conveyance is not made within three months after the expiration of said six months, then such land may be conveyed only to a public utility for utility purposes.”.

The amendment was adopted.

Mr. Mandile of Waltham then moved that the bill be amended by inserting after section 11 the following section:

“SECTION 11 A. Said section 2 of said Chapter 60 is hereby further amended in item 9110-9002 by adding the following words:— “; provided further, that no less than twenty thousand dollars shall be obligated for the operation of the Nonantum Multi Service Center in the City of Newton and provides further that no less than twenty thousand dollars be obligated to the Waltham Council on Aging for the operation of the various elderly clubs in the city of Waltham.”.
The amendment was adopted.

Mrs. Menard of Somerset being in the Chair,— Mr. Mariano of Quincy moved that the bill be amended in section 11 by inserting after the figure “7,854,776”, in line 4, the words:— “; provided that the Massachusetts Department of Mental Health shall expend not less than forty-three thousand four hundred and sixty dollars for the provision of community based case management for participants in the Tenant-based Rental Assistance Program funded under HUD’s Shelter Plus Care Program, administered by Quincy Interfaith Sheltering Coalition in conjunction with the Quincy Housing Authority.”.

After remarks the amendment was adopted.

There being no objection,— Messrs. Cabral of New Bedford, Koczera of New Bedford and McIntyre of New Bedford moved that the bill be amended in section 2 by adding at the end thereof the following item:

“9000-1802 For the purpose of providing state matching funds for the federally funded Northeast Fisheries Initiatives to promote the use of underutilized species; 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 group 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 ....... 700,000”.

The amendment was adopted.

There being no objection,— Messrs. Iannuccillo of Lawrence, Broadhurst of Methuen, Coon of Andover and Cuomo of North Andover moved that the bill be amended by inserting after section 3 the following section:

“SECTION 3A. Section 2 of chapter 38 of the acts of 1995 is hereby amended by inserting after item 8350-0100 the following item:

8350-0200 To establish a pilot community firefighting grant program for the city of Lawrence. The state fire marshal shall promulgate rules and regulations for the purpose of administering this program ....... 750,000”.

The amendment was adopted.

There being no objection,— Messrs. Caron of Springfield and other members of the House moved that the bill be amended by adding at the end thereof the following section:

“SECTION 31. Section two of chapter 38 of the acts of 1995 is hereby amended in item 8200-0200 by striking the figure ‘2,377,208’ and inserting in place thereof the figure:— 2,692,208”.
The amendment was adopted.

There being no objection,—Messrs. Cousins of Newburyport and Colt of Wenham moved that the bill be amended in section 2 by inserting after item 2520-1500 the following item:

"2520-1501 Provided that twenty thousand eight hundred and thirteen dollars for Amesbury to participate in the Essex County Mosquito Control Project and an amount of forty-three thousand two hundred and seventy-nine dollars for Ipswich to participate in the Essex County Mosquito Control Project. These services have already been provided to the aforementioned communities .... 64,092".

The amendment was adopted.

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

"SECTION 32. Notwithstanding the provisions of any general or special law to the contrary, the state retirement board is hereby authorized and directed to grant Edward F. Ryan, Jr., one hundred and sixty days of additional creditable service and to adjust his superannuation retirement benefits accordingly, such adjustment to be effective on the date of his retirement."

The amendment was adopted.

There being no objection,—Representatives Marzilli of Arlington and Paulsen of Belmont moved that the bill be amended by adding at the end thereof the following section:

"SECTION 33. Any city or town which accepts the provisions of chapter 60, section 3C, has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six or has enacted special legislation establishing a city or town scholarship or educational fund may, within one hundred twenty days from the end of the fiscal year in which this legislation is enacted or within one hundred twenty days from the end of every fiscal year thereafter, apply to the commissioner of revenue of the commonwealth for a grant in an amount equal to the amount certified by the city or town treasurer as donated to the scholarship or educational fund during the previous fiscal year provided that no community shall receive more than one dollar per resident of said community. The commissioner of revenue shall establish rules and regulations for the administration of the scholarship or educational fund grant program. Any moneys received by a city or town will be added to the principal of the scholarship or educational fund and distributed in accordance with chapter 60, section 3C."

The amendment was adopted.

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

"SECTION 34. Notwithstanding the provisions of any general or special law to the contrary, and in order to promote the public good, the state retirement board is hereby authorized and directed to credit Edward M. Burns, Esquire, with an additional four years and two
Supplementary months of creditable service, 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. Eligibility for said creditable service shall be conditioned upon payment of the state employee’s retirement system of an amount equal to the contribution he would have otherwise owed for said period of creditable service together with regular interest thereon. Such repayment shall be made in one sum or in installments as the state retirement board shall prescribe. The state retirement board is further authorized and directed to credit Edward M. Burns, Esquire, as being in full compliance with and therefore fully eligible to receive all of the benefits conferred by Section 52 of Chapter 38 of the Acts of 1995 notwithstanding the particular agency of state government of which he is employed or the Group to which he belongs at the time of his retirement.”

The amendment was adopted.

There being no objection,— Representatives Caron of Springfield, Scibelli of Springfield, Murphy of Springfield, Swan of Springfield, Rogeness of Longmeadow and Barsom of Wilbraham moved that the bill be amended by adding at the end thereof the following section:

“SECTION 35. All municipally owned chronic and rehabilitation hospitals, with a majority of long-term care beds and currently exempt from the publicly aided rate provisions of 114.1 CMR 37.00, shall have their publicly aided and industrial accident rates of payment set in accordance with the provisions of 114 CMR 40.00 upon the final adoption these regulations provided that the provisions of this section shall remain in effect until June 30, 1996.”

The amendment was adopted.

There being no objection,— Mrs. Gomes of Harwich moved that the bill be amended in section 2 by adding at the end of item 2100-2030 the words “; to acquire comfort stations to be placed along Cape Cod Rail Trail from Dennis to Provincetown”; and by striking out, in said item, the figures “164,039” (inserted by amendment) and inserting in place thereof the figures “174,039”. The amendments were adopted.

Mr. Iannuccillo of Lawrence then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 36. Section 25C of chapter 111 of the General Laws is hereby amended by adding at the end thereof the following paragraph:

Notwithstanding the provisions of any general or special law to the contrary, no long term care facility located in an underbedded urban area shall be replaced or the license for said facility transferred outside an underbedded urban area. For the purposes of this paragraph, an ‘underbedded urban area’ shall mean a city or town in which:

(a) the per capita income is below the state average; or (b) the percentage of the population below 100% of the federal poverty
level is below the state average; or (c) the percentage of the population below 200% of the federal poverty level is below the state average.

SECTION 37. The provisions of section 36 shall not apply to an application for transfer that was approved to the effective date of this act.”.

The amendment was adopted.

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

“SECTION 38. Section 2 of Chapter 38 of the acts of 1995 is hereby amended in item 6010-0001 by inserting at the end thereof the following words:— ; and provided further, that not more than seventy-five thousand dollars be expended for the installation of a pedestrian crossing/traffic light adjacent to the Dever and McCormack Schools on Mount Vernon Street in the City of Boston.”.

The amendment was adopted.

Mr. Serra of Boston being in the Chair,— Ms. Khan of Newton moved that the bill be amended in section 2 by inserting after item 2440-0010 the following item:

“2440-1212 Not less than two hundred fifty thousand dollars shall be added for the purchase of one weed harvester and the associated costs of its operation, including transport, trailer and spare parts”.

The amendment was adopted.

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

“SECTION 39. Subsection 7 of section 4 of chapter 15IB of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting, in line 242, after the word “size” the following words: “, nor to residency in assisted living residences certified pursuant to chapter 19D.”.

The amendment was adopted.

The same member then moved that the bill be amended in section 2 by inserting after item 1108-1000 the following item:

“1108-2000 For the construction of a Veteran’s Memorial in the town of Needham 10,000”.

The amendment was adopted.

There being no objection,— Messrs. Petersen of Marblehead, Fennel of Lynn and McGee of Lynn moved that the bill be amended by inserting after section 11A (inserted by amendment) the following section:

“SECTION 11B. Section 2 of chapter 38 of the acts of 1995 is hereby amended in item 1599-3384 by adding the following words:— provided, however, that no less than three hundred thousand dollars shall be expended for payment of claims against the Metropolitan District Commission as a result of storm damage on September seventeenth, nineteen hundred and ninety-five in connec-
tion with the construction of Stacey Brook culvert to properties in the city of Lynn and the town of Swampscott; and by striking the figure '10,000,000' as amended by section 2C of chapter 120 of the acts of 1995 and inserting in place thereof the figure:— 10,300,000.".

The amendment was adopted.

Mr. Nagle of Northampton moved that the bill be amended by striking out section 8 and inserting in place thereof the following section:

"SECTION 8. Said section 2 of said chapter 38 is hereby amended in item 4406-3000, by adding at the end the following:— and provided further, that not less than one hundred seventy thousand dollars shall be expended for Service Net, Inc. to operate homeless shelters in Hampshire and Franklin counties . . . 25,910,323".

The amendment was adopted.

Mr. McIntyre of New Bedford then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 40. Section 203 of chapter 379 of the acts of 1992, is hereby amended by striking out, in line 11, the word 'ninety-six' and inserting in place thereof the word:— ninety-seven.".

The amendment was adopted.

There being no objection, — Messrs. Flaherty of Cambridge and Finneran of Boston moved that the bill be amended in section 2 by inserting after item 1108-2000 (inserted by amendment) the following ten items:

"1599-3800 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-four and nineteen hundred and ninety-five salary and benefit adjustments and other employee economic benefits authorized by the collective bargaining agreements between the Trial Court Department of Massachusetts and the Office and Professional Employees International Union, Local 6, AFL-CIO, with effective dates of March first, nineteen hundred and ninety-four through February twenty-eighth, nineteen hundred and ninety-five and July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-four and nineteen hundred and ninety-six which were submitted to the governor on September sixth, nineteen hundred and ninety-four and nineteen hundred and ninety-four in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year
nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged

6,328,491

1599-3801 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-six salary and benefit adjustments and other employee economic benefits authorized by the collective bargaining agreements between the Trial Court Department of Massachusetts and the Office and Professional Employees International Union, Local 6, AFL-CIO, with effective dates of March first, nineteen hundred and ninety-four through February twenty-eight, nineteen hundred and ninety-seven and July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which were submitted to the governor on September sixth, nineteen hundred and ninety-four and nineteen hundred and ninety-four in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures
Supplementary appropriations

1599-3802 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-four and nineteen hundred and ninety-five salary adjustments and other employee economic benefits authorized by the collective bargaining agreements between the Trial Court of Massachusetts and the Office and Professional Employees International Union, Local 6, AFL-CIO, with effective dates of March first, nineteen hundred and ninety-four through February twenty-eighth, nineteen hundred and ninety-seven and July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which were submitted to the governor on May ninth, nineteen hundred and ninety-five in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged .......................................................... 4,837,695

1599-3803 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-six salary adjustments and other employee economic benefits authorized by the collective bargaining agreements between the Trial Court of Massachusetts and the Office and Professional Employees International Union, Local 6, AFL-CIO, with effective dates of March first, nineteen hundred and ninety-four through February twenty-eighth, nineteen hundred and ninety-seven and July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which were submitted to the governor on May ninth, nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged .......................................................... 66,332
and ninety-five in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfer

1599-3804 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-four and nineteen hundred and ninety-five salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Trial Court of Massachusetts and the Service Employees International Union, Local 254, AFL-CIO, with an effective date of July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which were submitted to the governor on September twenty-sixth, nineteen hundred and ninety-five in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is
Supplementary Appropriations

Supplementary appropriations hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged.

1599-3805 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-six salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Trial Court of Massachusetts and the Service Employees International Union, Local 254, AFL-CIO, with an effective date of July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which were submitted to the governor on September twenty-sixth, nineteen hundred and ninety-five in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures

2,541,752
from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers ........................................ 3,221,442

1599-3806 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-four and nineteen hundred and ninety-five salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Trial Court of Massachusetts and the Suffolk County Superior Court Officers' Association, with an effective date of July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which was submitted to the governor on December twenty-eight, nineteen hundred and ninety-four in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged ....................... 101,772

1599-3807 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-six salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Trial Court of Massachusetts and the Suffolk County Superior Court Officers' Association, with an effective date of July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which was submitted to the governor on December twenty-eight, nineteen hundred and ninety-four in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the
Supplementary appropriations

cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year nineteen hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers.

For a reserve to meet the cost of fiscal year nineteen hundred and ninety-four and nineteen hundred and ninety-five salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Trial Court of Massachusetts and the Middlesex County Superior Court Officers’ Association, with an effective date of July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which was submitted to the governor on January first, nineteen hundred and ninety-five in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen
hundred and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged .......................... 89,527

1599-3809 For a reserve to meet the cost of fiscal year nineteen hundred and ninety-six salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the Trial Court of Massachusetts and the Middlesex County Superior Court Officers' Association, with an effective date of July first, nineteen hundred and ninety-four through June thirtieth, nineteen hundred and ninety-seven which was submitted to the governor on January first, nineteen hundred and ninety-five in accordance with the provisions of section seven of chapter 150E of the Massachusetts General Laws and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in 'confidential' positions which would otherwise be covered by said collective bargaining agreement; provided, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-six and ninety-six such amounts as are necessary to meet the cost of said adjustments and benefits for said fiscal year where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that said secretary is authorized to allocate the cost of said adjustments and benefits to the several state or other funds to which said items of appropriation are charged; and provided further that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to charge to the Collective Bargaining Reserve Fund fiscal year nineteen hundred and ninety-six expenditures from the accounts which receive transfers from this item in said fiscal year in amounts equal to the amounts of said transfers .......................... 113,099"
The amendment was adopted.

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

"SECTION 41. Section 2 of Chapter 38 of the Acts of 1995 is hereby amended in item 4120-2000 by adding at the end thereof the following words: ‘; and provided further, that no less than fifty thousand dollars shall be expended on handicap-accessible modifications of a van in the town of Chelmsford’, and is further amended by striking the number ‘6,306,616’ and inserting in place thereof the following new number:— 6,356,616.”.

The amendment was adopted.

There being no objection,— Representatives Walrath of Stow, Hall of Westford and Hargraves of Groton moved that the bill be amended by adding at the end thereof the following section:

"SECTION 42. Section 12 of chapter 498 of the acts of 1993, as most recently amended by section 18 of chapter 224 of the acts of 1994, is hereby further amended by adding the following paragraph:

Notwithstanding any provision of this act or of chapter two hundred and twelve of the acts of nineteen hundred and seventy-five, as amended, the Bank, in carrying out the provisions of this act, through the year nineteen hundred and ninety-eight (1998), shall be deemed a ‘public employer’ as that term is defined in section one of chapter two hundred and fifty-eight of the General Laws, and is therefore subject to the provisions of said chapter two hundred and fifty-eight. Any notice of claim pursuant to section four of said chapter two hundred and fifty-eight shall be presented to the treasurer of the Bank.”.

The amendment was adopted.

Mrs. Menard of Somerset being in the Chair,— Mr. Flaherty of Cambridge and other members of the House moved that the bill be amended in section 2 by inserting before the caption “EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.” the following item:

"JUDICIARY.

Trial Court.

0330-8968 For the implementation, operation, and expenses of the office of community corrections including the hiring of the executive director and the implementation of intermediate sanctions programs across the commonwealth; provided, that not more than two million dollars shall be allocated to Bristol County for the purpose of implementing its community based intermediate sanctions pilot program; provided, further, that no more than two million dollars shall be allocated to Hampden County for the purpose of implementing its community based intermediate sanctions pilot program; provided, further, that
not more than two million dollars shall be allocated to Norfolk County for the purpose of implementing its community based intermediate sanctions pilot program; provided, further, that no more than three million dollars shall be allocated to Suffolk County for the purpose of implementing its community based intermediate sanctions pilot program; provided, further, that not more than two million dollars shall be allocated to Worcester County for the purpose of implementing its community based intermediate sanctions pilot program ........................................................................... 11,000,000;

and by adding at the end thereof the following section:

“SECTION 43. Chapter 6 of the General Laws is hereby amended by inserting after section 156B the following six sections:—

Section 156C. There is hereby established, subject to appropriation, within the office of the Chief Justice for Administration and Management of the Trial Court an office of community corrections, whose purpose is to establish a continuum of community corrections programs and services statewide. The goal of this act is to ensure and promote public safety by developing community corrections programs for appropriate offenders.

Section 156D. The Executive Director of the office of community corrections shall be appointed by the Chief Justice for Administration and Management of the Trial Court to establish, oversee and operate a statewide program of community corrections. The executive director shall operate subject to the direction and approval of the Chief Justice for Administration and Management of the Trial Court. Said Director shall work in consultation with the Executive Director of the sentencing commission, department of probation, department of corrections and county sheriffs to ensure consistency between sentencing guidelines and community corrections.

The office shall, to the extent practicable, utilize existing resources of the administrative office of the Massachusetts courts for the purpose of avoiding unnecessary duplication.

Section 156E. As used in sections one hundred fifty-six F through one hundred and fifty-six H, inclusive, the following words shall, unless the context clearly states otherwise, have the following meanings:—

‘Community Corrections Program’, a program that is operated by, or contracted by, a state, local or private service agency, which has been deemed an appropriate intermediate sanction by the office of community corrections.

‘Intermediate Sanction’, including but not limited to: house confinement, intensive supervision, community service, restitution, day reporting, day fines, community monitoring by electronic or other means, rehabilitation, counseling and drug and alcohol treatment services.

‘Clearinghouse’, that the office of community corrections will be responsible for developing and implementing a public education and
Supplementary awareness program, while also collecting and providing information regarding community corrections in the commonwealth of Massachusetts.

‘Noncompliance’, any provider that has failed to adhere to the contract as agreed upon with the office of community corrections.

Section 156F. The office of community corrections may, subject to appropriation, do the following:—

(a) Develop and establish goals, offender eligibility criteria and program guidelines for community corrections programs,

(b) Adopt program standards, policies, and rules for statewide community corrections programs,

(c) Adopt an application process and contract procedures for funding community corrections programs,

(d) Adopt and implement performance measures/standards and criteria for community corrections program evaluations,

(e) Provide technical assistance, training and education to state, local, county and private service agencies in developing, implementing, evaluating, and operating community corrections programs. In addition, the Executive Director will provide technical assistance, training, and education to the judiciary and other criminal justice system personnel,

(f) Enter into agreements with local, state, and private service providers for the operation of community corrections programs, and monitor compliance with those agreements,

(g) Act as a clearinghouse for information regarding community corrections programs,

(h) Develop and implement a public education program about community corrections,

(i) Establish and implement an enforcement mechanism to ensure statewide compliance with this Act,

(j) Submit a biannual report no later than the first of August and the fifteenth of January of each year to the Chair of the sentencing commission, the Chief Justice for Administration and Management of the Trial Court, the Governor and the Clerks of the House and Senate. The report shall detail the effectiveness of all the community-based intermediate sanctions programs and plans within the commonwealth including an explanation of how the rate of commitment of prisoners to the state prison and jail system has been affected by said programs and plans and listing any instances of non-compliance,

(k) Coordinate an annual statewide training conference for all providers funded through the office of community corrections.

Section 156G. (a) The office of community corrections shall consider the following factors when determining eligibility requirements for participation in community corrections program:

(1) the nature and circumstances of the offense;

(2) the offender’s mental state at the time of the offense;

(3) relationship between the offender and the victim;

(4) the nature and degree of harm caused by the offense;

(5) the community view of the gravity of the offense;
public concern generated by the offense;
(7) age of the offenders;
(8) the deterrent effect a particular sentence may have on the commission of the offense by others;
(9) current incidence of the offense in the community and in the Commonwealth;
(10) the role of the offender in cases involving multiple offenders;
(11) mental and emotional condition of the offender;
(12) offender’s physical condition;
(13) family ties and responsibilities;
(14) communities;
(15) dependence on criminal activity for livelihood;
(16) offender’s character and personal history;
(17) amenability to correction, treatment or supervision;
(18) past criminal history; including convictions, acquittals, guilty pleas, pleas of nolo contendere, dismissals and matters continued without a finding;
(19) arrest record; and
(20) past history of violence.
All pre-incarceration conditional releases shall be imposed as a condition of probation and implementation by the Trial Court Probation Service, consistent with the provisions of sections eighty-five, eighty-seven, ninety-eight and ninety-nine of chapter two hundred and seventy-six and chapter two hundred and seventy-six A, inclusive, of the General Laws.

Section 156H. All appropriations made available for the purposes of sections one hundred and fifty-six C to one hundred and fifty-six G, inclusive, shall be used for the development or expansion of intermediate sanction options and may not be used for construction, restoration, rehabilitation, or operation of houses of corrections or state prisons."

The amendments were adopted.

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

"SECTION 44. Notwithstanding the provisions of any general or specific law or rule or regulation to the contrary, the board of registration of social workers is hereby authorized and directed to issue a license and independent clinical social worker to J. Winstead Adams of the town of Oak Bluffs, without examination, upon payment of the annual fee."

The amendment was adopted.

Mr. Serra of Boston being in the Chair, — Ms. Kerans of Danvers moved that the bill be amended by adding at the end thereof the following section:

"SECTION 45. Notwithstanding the provisions of any general or special law to the contrary, and in order to promote the public good, the state board of retirement is hereby authorized and directed to retire Patricia Skane, an employee of the department of mental
health due to total and permanent incapacitation for further service. The annual retirement allowance payable to Patricia Skane hereunder shall be fixed in an amount equal to seventy-two percent of the regular rate of compensation she would have been entitled to had she continued in full-time service in her position in the department of mental health. Said Patricia Skane shall be entitled to and shall receive all annual cost-of-living adjustments to her annual pension granted under the provisions of section one hundred and two of chapter thirty-two of the General Laws or any other general or special law.

The amendment was adopted.

There being no objection,—Representatives Walrath of Stow and Manning of Milton moved that the bill be amended by adding at the end thereof the following five sections:

“SECTION 46. Notwithstanding any special or general law to the contrary, the commissioner of the division of capital planning and operations is hereby directed to convey a certain parcel of land located in the town of Shirley presently under the care and control of the department of fisheries, wildlife and environmental enforcement, to Daniel T. and Patricia A. Keady, for residential purposes. Said Parcel contains approximately 19,387 square feet, and is known as Parcel A on a plan of land entitled ‘Plan of Land in Shirley, Massachusetts prepared for Daniel T. and Patricia A. Keady’ prepared by David E. Ross Associates, Inc. Dated April, 1995.

SECTION 47. In consideration of the conveyance authorized in section one, Daniel T. and Patricia A. Keady shall convey to the commonwealth in simple fee, by title free and clear of all liens and encumbrances two acres of land, the more precise configuration of which shall be determined by survey and which shall be located along the northerly boundary of the parcel distributed in section one; however, if the fair market value of the property to be conveyed by the commissioner of the department of capital planning and operations exceeds the fair market value of the property to be conveyed to the commonwealth, Daniel T. and Patricia A. Keady shall pay to the commonwealth the difference in the value of the parcels as additional consideration for the conveyance.

SECTION 48. Daniel T. and Patricia A. Keady shall assume the costs of appraisal, surveys and other related expenses deemed necessary by the commissioner for the conveyance of said property.

SECTION 49. Daniel T. and Patricia A. Keady shall have conducted an independent appraisal to determine the full and fair market value of the parcel for their use as described herein. The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with section five of this act.
SECTION 50. The commissioner shall, thirty days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector shall issue his review and comment within fifteen days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to execution."

The amendment was adopted.

The bill, as amended, then was passed to be engrossed. Mr. Finneran of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 5656, printed as amended) then was sent to the Senate for concurrence.

The House report of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, House, No. 5586) of Thomas P. Kennedy relative to the transfer of municipal licenses, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. DeLeo of Winthrop.

Order.

On motion of Mr. Flaherty of Cambridge,—

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

At four minutes before six o'clock P.M., on motion of Mr. Flaherty (Mr. Serra of Boston being in the Chair), the House adjourned, to meet tomorrow at one o'clock P.M.
Tuesday, November 14, 1995.

Met according to adjournment at one o’clock P.M.

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

Prayer. Lord God, we pause for a moment of prayer to direct our attention and thoughts to You, our Creator. We depend upon Your assistance in making personal ethical choices, sound legislative judgments, and reasonable legislative decisions as elected officials. Teach us to be open to the creative insight, the personal experiences and the good sense of colleagues and constituents. In this era of violence and violent behavior, grant us the wisdom to respect all people, their fundamental human rights, and their political opinions even when there is disagreement on serious issues and policies. In Your goodness, strengthen our commitment to You, and our principles and our religious convictions.

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

Pledge of allegiance.

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 (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing and confirming the conveyance of a certain parcel of park land in the town of South Hadley (House, No. 5653) was filed in the office of the Clerk prior to today’s sitting.

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

A message from His Excellency the Governor recommending legislation relative to an extension of the basic emissions program (House, No. 5654) 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 Public Safety. Sent to the Senate for concurrence.

Members-elect to be Qualified.

The Speaker announced the appointment of Representatives Canavan of Brockton, Fitzgerald of Boston and Hodgkins of Lee as a special committee of the House to conduct the following members-elect to the Council Chamber to be qualified on Wednesday, November 15.
Geraldine Creedon of Brockton, member-elect from the Eleventh Plymouth Representative District; David T. Donnelly of Boston, member-elect from the Tenth Suffolk Representative District; and John F. Merrigan of Greenfield, member-elect from the Second Franklin Representative District.

Guests 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 Everett Police Officers Paul Durant and Robert Hall, whose recent heroic action is credited with the apprehension of two murder suspects after a shooting incident at a crowded restaurant in the Charlestown district of the city of Boston.

Messrs. Durant and Hall, who were accompanied by members of the families, friends, and Everett Police Chief James Bonnell, were the guests of Representative Connolly of Everett.

Resolutions.

Resolutions (filed with the Clerk by Mrs. Hahn of Westfield) congratulating the Westfield Spanish American Association, Inc., on the celebration of the discovery of Puerto Rico, were referred, under Rule 85, to the committee on Rules.

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

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

- Resolutions (filed by Messrs. Angelo of Saugus and Voke of Boston) honoring State Commander Richard Christopher, Disabled American Veterans, Department of Massachusetts;
- Resolutions (filed by Mr. Galvin of Canton) congratulating Police Chief John F. Ruane, Jr., of the Canton Police Department on the occasion of his retirement;
- Resolutions (filed by Mr. Kennedy of Brockton) congratulating Maurice J. Kennedy on the occasion of his seventy-fifth birthday celebration; and
- Resolutions (filed by Mr. Slattery of Peabody) congratulating Salvatore J. Pomer on the occasion of his seventieth birthday;

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

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

**Ordered,** That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care be granted until Wednesday, January 31, 1996, within which to make its final report on the residue of current House document numbered 5443.

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

Petition.

Mr. Cousins of Newburyport presented a petition (subject to Joint Rule 12) of Frank G. Cousins, Jr., and other members of the General Court relative to a reduction in the sales tax; 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. Cousins, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to job retention and economic expansion in the Commonwealth (House, No. 5617) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2112.

Under suspension of Rule 35, on motion of Mr. Brett of Boston, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives Brett, Landers of Palmer and Gauch of Shrewsbury as the committee on the part of the House. Sent to the Senate to be joined.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendment, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Walsh, Durand and Tarr had been joined as the committee on the part of the Senate.

The House Bill further regulating the sale of cigarette paper (House, No. 5027, amended) came from the Senate with the endorsement that said branch had non-concurred with the House in its further amendments (by inserting the following two sections: 
"SECTION 1. Section 1 of chapter 64C, as so appearing, is hereby amended by inserting after the word ‘machines’, in line 37, the following words:—

‘proof of age’, a driver’s license or other generally accepted means of identification that describes the individual as eighteen years or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

‘public place’, any public street, sidewalk or park, or any area open to the public in any publicly owned or operated building;

‘sample’, any tobacco products distributed to members of the general public at no cost or at nominal cost for product promotional purposes;

‘sampler’, any person engaged in the business of sampling other than a retailer;

‘sampling’, the distribution of samples to members of the general public in a public place;

‘tobacco product’, any product that contains tobacco and is intended for human consumption.

SECTION 2. Said chapter 64C is hereby further amended by inserting after section 2 the following two sections:—

Section 2A. (a) No person shall engage in the business of sampling within the commonwealth unless licensed to do so in accordance with section sixty-seven of chapter sixty-two C. If a firm contracts with a manufacturer to distribute samples of the manufacturer’s products, said firm shall be deemed to be the person engaged in the business of sampling.

(b) A sampler’s license shall expire on the thirtieth day of June of each year. The fee for a sampler’s license and each renewal thereof shall be determined annually by the commissioner of administration pursuant to section three B of chapter seven; provided, however, that the fee for a manufacturer whose employees distribute samples within the commonwealth shall be five hundred dollars per annum, and the fee for all other samplers shall not be less than fifty dollars per annum.

(c) A sampler’s license shall entitle the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the commonwealth during the term of the license. The license or a copy thereof must be carried at all times by any person engaged in sampling pursuant to such license.

(d) A licensee shall notify the commissioner in writing of the location and hour at which the sampling is to be conducted by or on behalf of the licensee not less than thirty days prior to such sampling. The licensee shall provide copy of said notice to the police authority for the city, town or other political subdivision of the commonwealth in which the sampling is to be conducted not less than thirty days prior to such sampling.

(e) A sampler’s license shall not be required to distribute samples in or at a store or concession for which a retailer’s license has been issued. Notice under paragraph (d) shall not be required to distribute samples in or at such a store or concession or in or at locations where sampling is permitted under section two B.
Section 2B. (a) No person shall distribute or offer to distribute samples in any public place; provided, however, that this prohibition does not apply to sampling (i) in an area to which persons under the age of eighteen are denied admission, (ii) in or at a store or concession for which a retailer’s license has been issued.

(b) Notwithstanding the provisions of paragraph (a), no person shall distribute or offer to distribute samples in or on any public street, sidewalk or park that is within five hundred feet of any playground, school or other facility when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes.

(c) A person engaged in sampling shall require proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that such prospective recipient may be under the age of eighteen.

Any person who violates the provisions of this section shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each violation.

On motion of Mr. Bosley of North Adams, the House receded from its further amendments.

Bills

Relative to historic districts and landmarks (Senate, No. 1485) (on a petition);

Relative to the exchange of certain land by the trustees of the Higher Education Coordinating Council and Wentworth Institute of Technology (Senate, No. 1977, amended by inserting after section 4 the following section:

"SECTION 5. Nothing in this act shall be construed to impair any statutory or other rights that the city of Boston may have in any land currently utilized by the Massachusetts College of Art." (on Senate, Nos. 1555 and 1556);

Authorizing the Division of Capital Planning and Operations to convey to the town of Wilbraham certain land in said town (Senate, No. 2101) (on Senate, No. 1121); and

Relative to interstate banking and branching (Senate, No. 2106) (on Senate, No. 2094 and on House, No. 3295);

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

Bills

Relative to swine farms (Senate, No. 547) (on a petition);

Relative to municipal bonding to finance cleanup of environmental hazards (Senate, No. 1058) (on a petition);

Requiring school bus headlights to be illuminated while such bus is in operation (Senate, No. 1318) (on a petition);

Relative to the prosecution of the crime of rape (Senate, No. 1965) (on Senate, No. 876);
Prohibiting the disclosure of names and telephone numbers of certain law enforcement personnel and others (Senate, No. 1966, amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 10 of chapter 66 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following paragraph:

The home address and home telephone number of law enforcement, judicial, prosecutorial, department of youth services, correctional and any other public safety and criminal justice system personnel shall not be public record in the custody of the employers of such personnel and shall not be disclosed; provided, however, that such information may be disclosed to an employee organization under chapter one hundred and fifty E or to a criminal justice agency as defined in section one hundred and sixty-seven of chapter six. The name and home address and telephone number of a family member of any such personnel shall not be public records in the custody of the employers of the foregoing persons and shall not be disclosed. The home address and telephone number, or place of employment or education of victims of adjudicated crimes and of persons providing or training in family planning services and the name and home address and telephone number, or place of employment or education of a family member of any of the foregoing shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed.

SECTION 2. Section 3 of chapter 268B of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word 'reports', in line 18, the following words:—

, provided, however, that the commission shall be authorized, in its discretion, to exempt from public disclosure those portions of a statement of financial interest filed pursuant to section five of this chapter which contain the home address of the filer; and, provided further,".) (on Senate, No. 882);

Establishing a board of water and sewer commissioners in the town of Ashburnham (Senate, No. 1985 ) (on a petition)[Local Approval Received];

Authorizing the town of Ashburnham to establish a capital improvement fund (Senate, No. 1986) (on a petition)[Local Approval Received];

Relative to the issuance of an all alcoholic beverage license in the city of Marlborough (Senate, No. 2007) (on a petition) [Local Approval Received];

To designate a certain bridge in the town of Shrewsbury as the Amsan John W. "Jay" Burkhardt, Jr., United States Navy, Memorial Bridge (Senate, No. 2021) (on a petition);

Authorizing the exchange of land between the town of Duxbury and the Ojala Trust (Senate, No. 2026) (on a petition) [Local Approval Received];
Dissolving the Erving Water District (Senate, No. 2029) (on a petition) [Local Approval Received];
Providing for the appointment of the tax collector and the treasurer of the town of Charlemont (Senate, No. 2037) (on a petition) [Local Approval Received];
Providing for the appointment of the treasurer in the town of Colrain (Senate, No. 2058) (on a petition) [Local Approval Received];
Providing for the appointment of the tax collector in the town of Colrain (Senate, No. 2059) (on a petition) [Local Approval Received]; and
Relative to the abolishment of the positions of cemetery commissioners and the position of tree warden in the town of Northfield (Senate, No. 2080) (on a petition) [Local Approval Received];
Severally passed to be engrossed by the Senate, were read; and they were placed on the Orders of the Day for the next sitting for a second reading.

A petition of Henri S. Rauschenbach for legislation relative to line of duty death benefit for public prosecutors, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2114) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Barbara McGrath, Douglas W. Stoddart, Patricia D. Jehlen and others for legislation to require retail businesses open to the public to provide restroom facilities to certain persons. Under suspension of Rule 42, on motion of Mr. Stoddart of Natick, 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. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing certain payments to the city of Newton to defray certain extraordinary costs and to enhance retirement benefits to certain members of the city of Newton fire department (House, No. 1753) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5658).

Under suspension of Rule 41, on motion of Mr. Cohen of Newton, the bill was read a second time forthwith.
The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 5658) was ordered to a third reading.

Under suspension of the rules, on further motion of the same member, the bill was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.
By Mr. Angelo of Saugus, for the committee on Government Regulations, on a report of the special commission (under Paragraph (d) of Section 293 of Chapter 38 of the Acts of 1995) relative to the Lottery Commission’s management and oversight of the implementation of the lottery game commonly called Keno (House, No. 5608), a Bill relative to the implementation of the lottery game commonly called Keno (printed in House, No. 5608). Read; and referred, under Rule 33, to the committee on Ways and Means.

Subsequently Mr. Finneran of Boston, for the committee on Ways and Means, reported that the foregoing bill ought to pass.

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to the assignment of municipal taxes (House, No. 5277) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5655).

By the same member, for the same committee, that the Bill relative to the installation of electrical wiring (House, No. 5428) ought to pass with an amendment.

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 requiring dietary guidelines for school meals (House, No. 4265) ought to pass.

By the same member, for the same committee, that the Bill relative to liability insurance for day care facilities (House, No. 5204) ought to pass.

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

By Mrs. Harkins of Needham, for the committee on Housing and Urban Development, on House, No. 5479, a Bill relative to tenant members of housing authorities (House, No. 5657). Read; and placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Cahir of Bourne, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 5511) of Patricia D. Jehlen and another relative to the posting of signs containing certain information at forks or intersections. Placed in the Orders of the Day for the next sitting, the question being on acceptance.

**Engrossed Bills.**

The engrossed Bill validating the proceedings of the annual town election held in the town of Washington on June seventeenth, nineteen hundred and ninety-five (see House bill printed in House
No. 5412) (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 acting Speaker and sent to the Senate.

Engrossed bills
Relative to bank directors (see House, No. 2319);
Relative to unemployment insurance (see House, No. 3085):
Providing for the appointment of a treasurer/collector in the town of Dennis (see House, No. 5074, changed and amended);
Providing for an expedited betterment program for private road improvements in the town of Nantucket (see House, No. 5075, amended);
Relative to the disposition of insurance proceeds for the town of Dighton (see House, No. 5103);
Relative to the chief financial officer of the town of Wellesley (see House, No. 5220);
Establishing a senior citizen safety zone in the town of Dracut (see House, No. 5244);
Relative to the Watertown Firefighters Relief Association, Inc. (see House, No. 5284);
Relative to the charter of the town of Seekonk (see House, No. 5323);
Exempting the position of clerk in the office of the council on aging in the town of Billerica from the provisions of the civil service law (see House, No. 5395);
Relative to the voting precincts in the town of Athol (see House, No. 5417);
Authorizing the town of Webster to abate and refund certain property taxes (see House, No. 5447);
Relative to the establishment of a debt service reserve fund for the town of Saugus (see House, No. 5600); and
Regulating the conduct of horse and dog racing in the Commonwealth (see House, No. 5640);
(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.

Reconsideration.
Mr. Bosley of North Adams moved that the vote be reconsidered by which the House, at the preceding sitting, receded from its amendment (striking out section 20A) of the House Bill relative to business organizations in the Commonwealth (House, No. 4045, changed and amended); and the motion to reconsider prevailed.

On the recurring question, on motion of Mr. Bosley, the House insisted on its amendment (striking out section 20A); and asked for a
committee of conference on the disagreeing votes of the two branches. The Speaker then appointed Representatives Bosley, Brewer of Barre and Rogeness of Longmeadow as the committee on the part of the House. Sent to the Senate to be joined.

**Quorum.**

Mr. Peters of Charlton 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 145 members were recorded as being in attendance.

[See Yea and Nay No. 257 in Supplement.]

Therefore a quorum was present.

**Motion to Discharge a Certain Matter in the Orders of the Day.**

Mr. Finneran of Boston moved that the House Bill relative to the expansion, upkeep, and reinvestment in the existing correctional facilities of the Commonwealth and the counties, and the facilities of the Department of Youth Services (House, No. 5650), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill then was read a second time; and (Mrs. Menard of Somerset being in the Chair) it was ordered to a third reading.

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

There being no objection, — Representatives Kaprielian of Watertown and Donovan of Woburn moved that the bill be amended by striking out section 33 (as printed) and inserting in place thereof the following three sections:

"SECTION 30. The Secretary of Public Safety shall create a Department of Correction Advisory Board. The Board shall consist of fifteen persons; eight shall be appointed by the Secretary of Public Safety. These appointees shall include the following persons: one victim of a violent crime; one member of the corrections department union; one member of an inmate advocate organization; one medical doctor; one member of the sheriff’s union; one family member of an inmate; one employee of the Department of Correction; and one member of the clergy. Two shall be appointed by the governor; one shall be appointed by the President of the Senate; one shall be appointed by the Speaker of the House of Representatives; one shall be the Attorney General or designee; one shall be from the office of public defenders; one shall be the Director of the Crime and Justice Foundation or designee.

The term of the members appointed by the Secretary of Public Safety shall be three years. The terms of the first members of said
Correctional facilities,—

Board not appointed by the Secretary of Public Safety shall be for one, two, or three years. The terms of the first members of said Board not appointed by the Secretary of Public Safety shall be for one, two, or three years, and so arranged that the term of one-third of the members not appointed by the Secretary of Public Safety expires each year, and their successors shall be appointed for terms of three years each. No member shall be appointed to serve more than two consecutive three-year terms. The Board shall elect annually a chairperson. Members of said Board shall receive no compensation but each member shall be reimbursed by the Commonwealth for necessary expenses incurred in the performance of his and her official duties.

SECTION 30A. Said Advisory Board shall have the following duties:

(a) Members of the Board shall have access to all Massachusetts Correctional Institutions and all inmates therein at any time, without prior approval, upon furnishing a photo identification given to Board members;

(b) It shall study the medical, psychiatric, and counseling services available to prisoners and the availability of educational, vocational, employment and rehabilitation programs;

(c) It shall review the annual plans and the proposed budget of the department and shall make recommendations to the commissioner in regard thereto;

(d) It shall report on the general state of correctional facilities, their administration of correctional policy and practices, and the living conditions of inmates therein;

(e) It shall hold quarterly meetings and shall convene special meetings at the call of the chairperson, the commissioner, or five members;

(f) It shall advise the commissioner on policy development and priorities of need in the Commonwealth for Department of Correction facilities; and

(g) It shall issue reports annually, to the department and the clerks of the House of Representatives and the Senate.

SECTION 30B. The first paragraph of Section 87 of Chapter 127 of the General Laws is hereby amended by inserting after the words 'deputy commissioner of correction', the words 'members of the Department of Correction Advisory Board'.

The amendment was adopted.

There being no objection, — Representatives Resor of Acton, Jehlen of Somerville and Khan of Newton moved that the bill be amended in section 2 by adding at the end thereof the following item:

"1102-6957 In order to develop and implement a functional literacy program for individuals incarcerated in the state prisons of the commonwealth; provided further that there shall be a committee, to be called the Correctional Education Coor-
dinating Committee, consisting of eight members to be appointed by the Governor, one of whom shall be representative of the Department of Correction, one of whom shall be a prison educator, one of whom shall be a community adult educator, one of whom shall be a person who has previously served time at a prison, one of whom shall be a representative of the Department of Employment and Training, one of whom shall be a representative of the Department of Education, one of whom shall be a member of the Parole Board, and one of whom shall be a member of the business industrial community. The Commissioner of Correction or his designee shall serve as chairman. Said committee shall convene to create a mandatory educational program for the state prison system in the commonwealth. The Commissioner of Correction or his designee shall serve as chairman. All members of said committee shall serve without compensation for terms of three years, staggered as to maintain continuity of the council and shall be appointed within thirty days of the effective date of this act. Any member shall be eligible for reappointment. In the event of a vacancy the Governor shall appoint a person to fill the vacancy term. The Governor may remove members for willful misconduct or neglect of duty or inability to perform the powers and responsibilities of the council. Said Committee, established in section one, shall develop a functional literacy program for individuals testing below a selected grade level, which shall at least be an eighth grade English reading and math level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and participation incentives and sanctions. For the purpose of this section the term 'functional Literacy' shall mean those educational skills necessary to function independently in society, including, but not limited to, reading of English, writing, comprehension, and arithmetic computation. Every person sentenced to a state prison after July 1, 1996 shall be administered a standardized test of adult basic education or other standardized tests approved by the Department of Education to assess the reading and math equivalency level of the individual. Individuals testing below completion of the eighth grade level or a higher level established by the Committee shall be required to participate in the functional literacy program or English as a second language program for a minimum period
of ninety days or such time as the Committee deems sufficient. The results of such test shall be included in the individual’s educational record. Said educational record shall be kept at the correctional facility housing the individual and shall contain a record of participation or refusal to participate in all programs under the provisions of this act at any facility. Beyond this mandatory period, individuals will be encouraged to continue in the literacy program until they qualify as ‘functionally literate.’ The sheriff or superintendent in charge of the correctional facility or other place of confinement shall submit the individual’s educational record to the parole board pursuant to section one hundred and thirty-five of chapter one hundred and twenty-seven of the General Laws for use in considering the individual’s eligibility for parole. No inmate shall be denied parole because he or she is illiterate nor shall parole be denied solely because of an inmate’s refusal to participate in or meet the requirements of a functional literacy program. The Committee will submit an annual report to the governor and the General Court containing its evaluation, findings, and recommendations for furthering the purposes of this act. It will make timely recommendations to the Governor and General Court for adequate funding to achieve these purposes.”.

After remarks the amendment was adopted.
There being no objection. — Messrs. Locke of Wellesley, Marini of Hanson, Peterson of Grafton and Mandile of Waltham then moved that the bill be amended by adding at the end thereof (as changed by the committee on Bills in the Third Reading) the following section:

“SECTION 34. Notwithstanding any general or special law to the contrary any adult person committed to a state or county correctional facility as defined in section 1 of Chapter 125 of the General Laws, shall at the time of sentencing be interviewed by the Department of Probation for the purpose of determination of financial condition and indigency. Said interview shall be conducted in accordance with the provisions of sections 27A through 27C of Chapter 261 of the General Laws. In addition to and not in limitation of the provisions of said sections, the purpose of the interview shall be to determine the overall financial condition of the Defendant. The Department of Probation and the Parole Board are authorized and directed to promulgate regulations under this act to create a standard form which shall reflect the assets and liabilities of the Defendant, including all legal and beneficial interests in real property and personalty, and any and all other holdings of legal or beneficial nature.
If, after said interview and hearing, the court finds that the Defendant is not indigent, and his/her financial condition permits, the court shall order in the mittimus that the prisoner pay to the Commonwealth the sum of $2.00 (two dollars) per calendar day of incarceration to defray the costs of incarceration. The Commissioner of Corrections, or Sheriff or Superintendent of the facility in which the prisoner is incarcerated, shall no later than thirty days prior to the prisoner's release, prepare an accounting of sums owed to the Commonwealth. Said accounting shall be served upon the person of each prisoner on the date of his/her release. Any prisoner who contests the validity, terms or amounts claimed in said accounting shall within thirty (30) days of release file a petition for judicial review consistent with the foregoing provisions of this section. Said sums shall be due and payable to the Commonwealth upon release, but no later than one hundred eighty days from the date of release of the prisoner, and collection may be effectuated by: a) deduction from the 'canteen' or 'prison' account, so-called, of the prisoner or any other monies held in-deposit for the benefit of such prisoner; b) deduction of no more than twenty-five per cent (25%) of any monies earned by a prisoner through 'work-release' employment, so-called; c) deduction of no more than twenty-five per cent (25%) of the gross taxable earnings of the prisoner during the period following his/her release that said prisoner is under terms of parole.

Any sums deemed due and payable by the court under this section shall be collected in like manner as any other debt due to the Commonwealth; the Attorney General, Department of Revenue and/or the Sheriffs of our several counties, are authorized and directed to collect said sums, by civil process and/or all other provisions existing in law or in equity to recover said monies.

The non-payment of sums deemed owed to the Commonwealth under this section shall in no case be deemed a condition-precedent to release from incarceration, nor shall non-payment be grounds for violation of parole or probation.

The provisions of this section shall not be applicable to prisoners determined to be terminally ill, pregnant, or otherwise hospitalized for more than thirty (30) days successively during the term of incarceration.

Any party aggrieved by the determination of the court under this section, may appeal said finding in accordance with the provisions contained in section 27D of Chapter 261 of the General Laws.

Any and all sums collected pursuant to this section shall be transferred and delivered to the Treasurer and Receiver General for Credit to the General Fund of the Commonwealth."

The amendment was adopted.

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

"SECTION 35. Section 87A of chapter 276 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 10, the word 'thirty' and inserting in place thereof the following word:— forty-five."

The amendment was adopted.
Mr. Greene of Billerica then moved that the bill be amended in section 2 by adding at the end of item 1102-6954 the words "; provided further that not less than two million dollars be expended for the connection of the Middlesex county jail and house of correction in Billerica to the town of Billerica's municipal sewer system, and further provided that the division of capital planning and operations shall dismantle and remove the existing treatment plant currently servicing the Middlesex county jail and house of correction in Billerica and ensure that the site is returned to an environmentally safe condition".

The amendment was adopted.

Mr. Peters of Charlton then moved that the bill be amended in section 2, in item 1102-6950, by inserting after the following: "MCI-Shirley", in line 7, the following: "; MCI-Bridgewater"; and by striking out, in said item, the figures "91,145,833" and inserting in place thereof the figures "230,000,000".

After debate on the question on adoption of the amendments (Mr. Serra of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Teague of Yarmouth; and on the roll call (Mr. Voke of Boston being in the Chair) 40 members voted in the affirmative and 111 in the negative.

[See Yea and Nay No. 258 in Supplement.]

Therefore the amendments were rejected.

Subsequently Mr Koczera of New Bedford 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 and therefore was not recorded.

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

Ms. Resor of Acton moved that the bill be amended in section 2 by adding at the end of item 1102-6954 the words "; and provided further that one hundred and fifty thousand dollars be allocated for upgrading of the farm facilities at MCI Northeast Correctional in Concord"; and after remarks the amendment was adopted.

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

"SECTION 36. Section 2 of chapter 196 of the acts of 1993 is hereby amended by striking the words 'including the design planning and construction of a ferry terminal' in lines 2 and 3 and inserting in place thereof the following words:— and for the design, planning and construction of a roll-on roll-off intermodal ferry terminal in the New Bedford Harbor.".

The amendment was adopted.

There being no objection, — Representatives Finneran of Boston and Walrath of Stow moved that the bill be amended in section 2 by striking out item 1102-6955 and inserting in place thereof the following item:
For grants to communities hosting impacted by inmate capacity increases; provided, that the secretary of the executive office of public safety, in consultation with the commissioner of the division of capital planning and operations, is authorized to issue funds authorized herein as grants to communities at a rate of ten thousand dollars for each new secure general population cell at state facilities; provided further, that not less than nine hundred sixty thousand dollars shall be provided to the host communities impacted by prior year prison expansion at Massachusetts correctional institution at Norfolk; provided further, that not less than one million six hundred thousand dollars shall be provided to the host communities impacted by prior year prison expansion at the Massachusetts correctional institution at Cedar Junction; provided further, that not less than one million six hundred thousand dollars shall be provided to the host communities impacted by prior year prison expansion at the Massachusetts correctional institution at Bridgewater; provided further, that not less than five hundred thousand dollars shall be provided to the host communities impacted by prior year prison expansion at the Massachusetts correctional institution at Lancaster; provided further, that not less than two million five hundred thousand dollars shall be provided to the host communities impacted by prior year prison expansion at the Massachusetts correctional institution at Shirley; and provided further, that ten million dollars may be authorized for grants to communities impacted by inmate capacity increases due to authorizations in item 1102-6950 of section two of this act; provided further, that said grant money awarded for the expansion of the Massachusetts correctional institution at Shirley shall be divided equally between the towns of Shirley and Lancaster; provided further, that said grant money shall be paid to communities within six months of the completion of construction; provided further, that the department of corrections, in conjunction with the department of public health and the department of education, shall conduct a study into the biological causes of crime, based on the premise that scientists have been studying biological risk factors which they believe predispose individuals to criminal behavior; provided further, that said study should incorporate these findings to work toward a more effective approach toward criminology; and provided further, that the results of said study shall be submitted to the general court no later than June thirtieth, nineteen hundred and ninety-six.

The amendment was adopted.
There being no objection, — Messrs. Cresta of Wakefield and other members of the House moved that the bill be amended in section 2, in item 1102-6955, by striking out, in lines 7 and 8, the words “state facilities; provided further,” and inserting in place thereof the words “state and county facilities; provided further, that not less than four million three hundred seventy-five thousand dollars shall be provided to the host community impacted by expansion at the Middlesex County Correctional Institute, that not less than two million seven hundred fifty thousand dollars shall be provided to the host community impacted by expansion at the Essex County Correctional Institute, that not less than two million five hundred thousand dollars shall be provided to the host community impacted by expansion at the Worcester County Correctional Institute, that not less than two million seven hundred fifty thousand dollars shall be provided to the host community impacted by expansion at the Barnstable County Correctional Institute, that not less than one million five hundred thousand dollars shall be provided to the host community impacted by expansion at the Norfolk County Correctional Institute, that not less than two million five hundred thousand dollars shall be provided to the host community impacted by expansion at the Berkshire County Correctional Institute, that not less than two million two hundred fifty thousand dollars be provided to the host community impacted by expansion at the Franklin County Correctional Institute, that not less than one million eight hundred seventy-five thousand dollars shall be provided to Hampden County Correctional Institute, that not less than three million seven hundred fifty thousand dollars shall be provided to the Suffolk County Correctional Institute,”; and by striking out, in said item, the figures “18,560,000” (inserted by amendment) and inserting in place thereof the figures “34,341,250”.

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. Cresta; and on the roll call 56 members voted in the affirmative and 94 in the negative.

[See Yea and Nay No. 259 in Supplement.]

Therefore the amendments were rejected.

Mr. Teague of Yarmouth moved that the bill be amended in section 12 (as printed) by striking out, in lines 130, 131 and 132, the words “, while maintaining judicial discretion and sufficient flexibility to permit individualized sentences warranted by mitigating or aggravating factors;”, by striking out subsection 3 contained in lines 168 to 374, inclusive, and by striking out subsection 4 contained in lines 375 to 415, inclusive; and in section 25 by striking out, in lines 12 and 13, the following: “, except as provided in paragraph (c) of this section.”, and by striking out clause (c) contained in lines 37 to 127, inclusive.

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 (Mrs. Menard of Somerset being in the Chair) 36 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 260 in Supplement.]

Therefore the amendments were rejected.
There being no objection, — Messrs. Locke of Wellesley, Stoddart of Natick and Slattery of Peabody moved that the bill be amended in section 12 (as printed) by striking out, in lines 383 and 393 the words "plainly unreasonable" and inserting in place thereof, in each instance, the words "arbitrary and capricious". 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 37. Section 38A of Chapter 127 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking from line 4 the word 'more' and inserting in place thereof the word:— less.”.

The amendment was adopted.

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

"SECTION 38. Section 83C of Chapter 127 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking from lines 5 and 6 the word 'more' and inserting in place thereof the word:— less.”.

The amendment was adopted.

Mr. Serra of Boston then moved that the bill be amended in section 25 (as printed) by inserting after the word "term", in line 47, the words "; provided, however, that the provisions of paragraphs (a) and (b) of this section shall apply to those persons sentenced to a term which is below the prescribed mandatory minimum term of imprisonment unless otherwise prescribed by the sentencing judge". The amendment was adopted.

The same member then moved that the bill be amended in section 25 (as printed) by inserting after the word "release", in line 20, the following: "or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine A, one hundred twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided however, that said persons who are serving mandatory minimum terms of imprisonment under paragraph (b) of section thirty-two, paragraphs (b), (c) and (d) of section thirty-two A, paragraph (b) of section thirty-two B, sections thirty-two E, thirty-two F and thirty-two J after the first of January, nineteen hundred and ninety-six, shall be eligible for a deduction from their sentence for good conduct under section one hundred and twenty-nine D of chapter one hundred and twenty-seven of the General Laws and a community corrections program as provided by sections one hundred and fifty-six C through one hundred and fifty-six H of chapter six of the General Laws. Provided, however, that said deduction from a sentence for good conduct under section one hundred and twenty-nine D of chapter one hundred and twenty-seven of the General Laws shall only apply to time served after the first of January, nineteen hundred and ninety-six;”.

The amendment was adopted.
Mr. Serra then moved that the bill be amended in section 16 (as printed) in line 6; in section 17 (as printed) in line 5; in section 19 (as printed) in line 4; in section 20 (as printed) in line 5; in section 21 (as printed) in line 5; in section 22 (as printed) in line 7; in section 23 (as printed) in line 5; and in section 24 (as printed) in line 5 by striking out, the words “Notwithstanding any general or special law to the contrary” and inserting in place thereof, in each instance, the words “Except as provided by paragraph (c) of section 32H of this chapter.”.

The amendments were adopted.

Ms. Khan of Newton then moved that the bill be amended in section 34 (as printed) by inserting after the word “correction”, in line 4, the words “and incorporating the results of the objective point based classification system currently being tested at MCI-Norfolk and MCI-Concord.”

The amendment was adopted.

The same member then moved that the bill be amended in section 34 (as printed) by inserting after the word “security”, in line 7, the words “and medium security”. 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 1102-6953 the words “; provided, that not less than twenty-five thousand dollars of the amount made available in this section shall be expended for a study relative to the feasibility of establishing a new facility or renovating the existing jail facility in Dukes County for use as a regional lock-up facility”.

The amendment was adopted.

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

“SECTION 39. By authorizing funds to expand the Suffolk County House of Corrections pursuant to item 1102-6953 of section 2, the legislature expressly requires that no bituminous concrete manufacturing facility shall be located within the City of Boston which is less than one half mile in linear distance from said correctional facility within the City of Boston and which shall receive funds or shall have received funds pursuant to item 1102-6953. Said linear distance shall be measured from the outermost perimeter of such bituminous concrete manufacturing facility to the outermost point of any adjacent correctional facility; provided however, that any bituminous concrete manufacturing facility in operation as of November 15, 1995, shall not be within the scope of this provision.”.

The amendment was adopted.

Mr. Caron of Springfield then moved that the bill be amended in section 2, in item 1102-6950 and also in item 1102-6953, by inserting after the word “equipment”, in line 5, in each instance, the words “including the construction, purchase or lease of temporary, mobile or modular prison units”.

The amendments were adopted.
Mr. Cahill of Beverly then moved that the bill be amended in section 25 (as printed) by striking out the paragraph contained in lines 75 and 76 and inserting in place thereof the following four paragraphs:

"(17) past criminal history, including convictions, acquittals, guilty pleas, pleas of nolo contendere, dismissals, and matters continued without a finding;
(18) arrest record;
(19) past history of violence; and
(20) any other facts, evidence, or opinion found by the sentencing judge to be a mitigating or aggravating circumstance."

Mr. Serra of Boston being in the Chair, — the amendment was adopted.

Mrs. Walrath of Stow then moved that the bill be amended in section 2 by adding at the end of item 1102-6950 the words "; provided that no funds shall be expended from this item for the expansion of the Massachusetts correctional institute at Lancaster; provided further, that the division of capital planning and operation shall oversee the construction of entrance and exit roads at the Massachusetts correctional institute at Shirley".

The amendment was adopted.

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

"SECTION 40. The Department of Youth Services shall relocate the two programs at the Hadley Building to an alternative site within the Westborough Compound. Said site shall be determined by the Commissioner of DYS in consultation with the Westborough DYS Task Force."

The amendment was adopted.

There being no objection, — Messrs. Stoddart of Natick and Locke of Wellesley moved that the bill be amended in section 12 (as printed), in line 205 and also in line 371, by inserting after the word "confinement", in each instance, the words ", weekend jail sentences, so-called"; and the amendments were adopted.

There being no objection,— Messrs. Finneran of Boston, Cahir of Bourne, Turkington of Falmouth and Klimm of Barnstable moved that the bill be amended by adding at the end thereof the following section:

"SECTION 41. There shall be a pilot program entitled the woman's restitution program within the Barnstable county jail and house of correction administered by the sheriff of Barnstable county. Said sheriff shall make a determination whether an inmate is eligible for the pilot program and shall consider the following criteria in making such a determination:

(1) the inmate shall have been sentenced by a court to confinement in a jail or house of correction for two and one-half years or less;
(2) no inmate convicted of a violent offense, including but not limited to, first and second degree murder, attempted murder, assault
Correctional facilities,—

and battery with a dangerous weapon, rape, child molestation, or any other sex offenses, kidnapping or illegal distribution or sale of controlled substances or identified as an habitual offender shall be eligible for the pilot program;

(3) the inmate shall not have been previously sentenced to a county, state or federal correctional facility for more than ninety days.

The sheriff shall give preference to inmates with personal substance abuse histories as determined by the classification board.

Upon a determination that an inmate is eligible for the pilot program the inmate shall be transferred from the jail or house of correction to such program; provided, however, that the inmate shall sign an agreement acknowledging her consent to participate in such program for a period of at least one hundred and twenty days; and provided, further, that the inmate shall undergo physical and psychological examinations to determine such inmate’s suitability for such program. An inmate who fails to meet the physical or psychological requirements of the program, as established by the sheriff, shall be transferred to the appropriate jail or house of correction to serve the original sentence.

The pilot program shall consist of an intensive regimen of education and training in decision-making and personal development, drug treatment and psychological counseling and rehabilitative, educational and vocational programs as developed by the board. Said program shall include a work program in a public or private enterprise for the purpose of providing restitution. Funds earned by the inmate shall be used: (a) one-third to defer costs of incarceration; (b) one-third as restitution for victims where identified; and (c) one-third to the inmate to be held until release or to support the inmate’s family, if so obligated. The sheriff shall have the authority to contract with agencies, businesses or other enterprises in order to facilitate such work program.

Inmates who are not able to complete the program for medical or disciplinary reasons shall be transferred to the appropriate jail or house of correction to serve the remainder of the sentence. Inmates who elect not to complete the program shall be transferred to the appropriate jail or house of correction to serve the full sentence. Final decisions on withdrawals and expulsions from the program shall be made by the sheriff.

Upon successful completion of the program and a positive evaluation by staff members of the program, the sheriff shall certify to the sentencing court that the inmate has completed the program. The sheriff shall develop and implement a plan of intensive supervision for a conditional release program, including a reintegration program consistent with the goals established by the board. Upon successful completion of the program and the subsequent reintegration program, the sentencing court shall modify the offender’s record of incarceration to reflect a conviction with a sentence of probation.
The sheriff shall report the results of the pilot program to the house and senate committees on ways and means, the joint committee on human services and elderly affairs, the joint committee on the judiciary and the joint committee on criminal justice on or before December thirty-first, nineteen hundred and ninety-six. Said report shall include but not be limited to a cost-per-inmate analysis and an examination of the recidivism rates for graduates.

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 adding at the end of item 1102-6954 the words "; and provided further, that not less than five million dollars be expended for the establishment of modular units at the Bristol county house of correction". The amendment was adopted.

There being no objection,— Representative Iannuccillo of Lawrence, Coon of Andover and Cuomo of North Andover moved that the bill be amended in section 2 by adding at the end of item 1102-6954, as amended, the words "; and provided further, that not less than seven hundred fifty thousand dollars shall be expended for the demolition of the Essex County facility located in Lawrence". The amendment was adopted.

There being no objection,— Representatives Kulik of Worthington and Story of Amherst moved that the bill be amended in section 2, in item 1102-6953, by striking out, in line 14, the words “eighteen million dollars” and inserting in place thereof the words “twenty-one million dollars”; and by striking out, in said item, the figures “194,730,000” and inserting in place thereof the figures “197,730,000”.

The amendments were adopted.

There being no objection,— Messrs. Quinn of Dartmouth and Cresta of Wakefield moved that the bill be amended by adding at the end thereof the following section:

“SECTION 42. No prisoner who has been convicted of a crime that is punishable by a prison sentence in a state prison, shall be incarcerated in a county correctional facility. Further, any such prisoner that is presently incarcerated in a county correctional facility shall be transferred to a state facility.”.

The amendment was adopted.

The bill, as amended, then was passed to be engrossed. Mr. Finneran of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 5660, printed as amended) then was sent to the Senate for concurrence.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Concord to grant a certain conservation restriction (see House, No. 5073, changed) (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 pur-
poses, etc., as defined by Article XCVII of the Amendments to the
Constitution); and on the roll call 149 members voted in the affirm-
tative and 0 in the negative.

[See Yea and Nay No. 261 in Supplement.]

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

Nantucket,—
conservation restriction.

The engrossed Bill relative to a certain conservation restriction in
the town of Nantucket (see House, No. 5076) (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 pur-
poses, etc., as defined by Article XCVII of the Amendments to the
Constitution); and on the roll call 149 members voted in the affirm-
tative and 0 in the negative.

[See Yea and Nay No. 262 in Supplement.]

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

Carlisle,—
Davis Corridor.

The engrossed Bill authorizing the town of Carlisle to grant a cer-
tain conservation restriction (see House, No. 5319) (which origi-
nated 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 pur-
poses, etc., as defined by Article XCVII of the Amendments to the
Constitution); and on the roll call 150 members voted in the affirm-
tative and 0 in the negative.

[See Yea and Nay No. 263 in Supplement.]

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

Worcester,—
land conveyance.

The engrossed Bill authorizing the city of Worcester to convey cer-
tain land (see House, No. 5481) (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 pur-
poses, etc., as defined by Article XCVII of the Amendments to the
Constitution); and on the roll call 150 members voted in the affirm-
tative and 0 in the negative.

[See Yea and Nay No. 264 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by
the acting Speaker and sent to the Senate.
The engrossed Bill relative to the use of a certain parcel of land in the town of Sherborn (see House, No. 5492) (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 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 265 in Supplement.]

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

The engrossed Bill authorizing the commissioner of the Division of Capital Planning and Operations to grant a permanent easement to the city of Marlborough (see Senate, No. 1941, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (Mr. Voke of Boston being in the Chair) 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 266 in Supplement.]

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

Orders of the Day.

Senate bills
Relative to conservation commission alternates in the town of Brewster (Senate, No. 1068);
Establishing a crime of resisting a police officer making a lawful arrest (Senate, No. 1932);
Authorizing the county commissioners of Bristol County to borrow money for the repair, renovation, construction, equipping and furnishing of facilities at Bristol County Agricultural School in the town of Dighton (Senate, No. 1949); and
Providing for the appointment of the tax collector and treasurer of the town of Heath (Senate, No. 1992);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The Senate Bill relative to the pronouncement of death by a physician assistant (Senate, No. 495, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.
Third reading bills.

House bills
Relative to establishing a citizens advisory committee of the South Essex Sewerage District (House, No. 3976, changed) (its title having been changed by the committee on Bill in the Third Reading);
Relative to the public safety employees line of duty death benefit (House, No. 4924) (its title having been changed by the committee on Bills in the Third Reading);
Authorizing the town of Rockport to offer health insurance to certain elected officials and employees (House, No. 5346);
Relative to the administration of the Hyannis Fire District (House, No. 5372);
Relative to the increase of the membership of the board of selectmen of the town of Dudley (House, No. 5406, changed);
Relative to the appointment of the treasurer of the Barnstable Fire District (House, No. 5414);
Authorizing the town of Rockport to lease a certain building (House, No. 5433);
Authorizing the town of Franklin to convey a certain parcel of land (House, No. 5580); and
Authorizing the Division of Capital Planning and Operations to convey to Michael Carmody and Judy Carmody a certain parcel of land in the town of Hopkinton (House, No. 5626);
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.

Second reading bill engrossed.

The House Bill relative to quarterly tax bills in the cities and towns (House, No. 5645) was read a second time; and it was ordered to a third reading.
Under suspension of the rules, on motion of Mr. Brett of Boston, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second reading bill.

The House Bill relative to civil service placement for Richard J. Flynn (printed as Senate, No. 1910) was ordered to a third reading.

Second reading bills.

House bills
Establishing a board of registration of architects and interior designers (House, No. 3710);
Authorizing the Division of Capital Planning and Operations to grant easements over certain parcels of land located in the city of Lowell (House, No. 5218);
Relative to the terms of certain bonds and notes to be issued by the Commonwealth (printed in House, No. 5489); and
Relative to the terms of certain notes to be issued by the Commonwealth (printed in House, No. 5573, changed);
Severally were read a second time; and they were ordered to a third reading.
The House Bill regulating the practice of dietetics/nutrition (House, No. 4791, changed) was read a second time.

The amendment previously recommended by the committee on Science and Technology,— that the bill be amended by substitution of a Bill relative to the licensure of dieticians and nutritionists (House, No. 5554),— was rejected.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill relative to the licensure of dietitians and nutritionists (House, No. 5648),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to the punishment for first and second degree murder (House, No. 5176) 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. 5643),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill to curb frivolous inmate litigation (House, No. 5254) 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. 5644),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to false health care claims act: criminal forfeitures (House, No. 1111) 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. Keenan of Blandford moved that it be amended by substitution of a Bill relative to false health care claims (House, No. 5659), which was read.

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

The Senate Bill relative to employment contracts for police chiefs (Senate, No. 1918, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Petrolati of Ludlow moved that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

"Chapter 41 of the General Laws, as appearing in the 1994 Official Edition is hereby amended by adding after section 108N the following new section:
108-O Police chief, employment contracts.

Section 1. Any city or town acting through its appointing authority, may establish an employment contract for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, conditions of discipline, termination, dismissal, and reappointment, performance standards and leave for its police chief, or a person performing such duties having a different title. In communities where said police chief is subject to the provisions of chapter thirty-one, the provisions of chapter thirty-one shall prevail when the provisions of this section conflict with the provisions of said chapter thirty-one.

Said contract shall prevail over any conflicting provision of any local personnel by-law, ordinance, rule or regulation. In addition to the benefits provided municipal employees under chapters thirty-two and thirty-two B, said contract may provide for supplemental retirement and insurance benefits.

Nothing contained in this section shall affect the appointment powers of any city or town over its police chief, or such person performing such duties with a different title. In the absence of any conflicting provisions in an employment contract, nothing contained in this section shall affect the removal powers of any city or town over its police chief or such person performing such duties with a different title.

Nothing contained in this section shall grant tenure to such officer, nor shall it abridge the provisions of section sixty-seven of chapter forty-four. If there is no employment contract in force, and if the police chief has an appointment for a term, the appointing authority shall give such chief at least one year's written notice if it decides not to reappoint said chief.

Section 2. Any provisions of said contract will prevail over the conflicting provisions of a city or town charter.

Section 3. Section 2 shall take effect in a City upon its acceptance in the following manner: In a city having a Council-Manager Charter, by majority vote of its city council and upon the approval of the city manager; and in any other city, by majority vote of the city council and upon the approval of the mayor.

This section shall take effect in a town upon its acceptance in the following manner: upon the approval of the Board of Selectmen and upon approval by the majority of the voters voting in the affirmative for the following question presented to the voters of the Town at an election of said town: 'Shall the town accept Subsection 2 of Section 108(O) of Chapter 41 of the Massachusetts General Laws, which provides that any provision of a police chief's employment contract shall prevail over any conflicting provision of the Town Charter?'.

The amendment was adopted; and the bill (Senate, No. 1918, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.
The Senate Bill relative to the payment of wages (Senate, No. 1929) 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 at the remaining matters in the Orders of the Day.

There being no objection,— the House Bill relative to insurance redlining (House, No. 5255) was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 5649), — and the main question on ordering the bill to a third reading, Mr. Rushing of Boston moved that the proposed substitute bill be amended in section 2 by inserting after the word “territories”, in line 82, the word “and”, by striking out, in lines 85 to 90, inclusive, the words “; and the extent to which premium rates and reinsurance arrangements of the homeowners markets are adequate, in the commissioner’s opinion, to protect Massachusetts policyholders in the event of a category four hurricane or other catastrophic natural disaster of a similar magnitude occurring in the commonwealth”, and by striking out the sentence contained in lines 95 to 104, inclusive; in section 9 by striking out, in line 11, the words “General Laws. In reviewing” and inserting in place thereof the words “general laws, and provided further that in reviewing”; and by adding at the end thereof the following section:

“SECTION 15. Subdivision 3 of subsection (a) of section 5 of chapter 174A of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding at the end thereof the following sentence:— In considering catastrophe hazards with respect to homeowners insurance rates, the commissioner shall consider catastrophe reinsurance and factors relating thereto.”.

The further amendments were adopted.

There being no objection,— Messrs. Rushing and McDonough of Boston moved that the proposed substitute bill be amended by striking out the paragraph contained in lines 30 to 34, inclusive, and inserting in place thereof the following paragraph:

“Policy forms approved under the third clause of paragraph (c) of this section shall not be issued or renewed when the market value of the unit or structure proposed to be insured is less than the total amount of mortgage liens outstanding upon such unit or structure at the time of policy issuance or renewal.”.

The further amendment was adopted.

The amendment previously recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill (House, No. 5649, amended) was ordered to a third reading.
Order.

On motion of Mr. Flaherty of Cambridge,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at twelve o'clock noon.

Mr. Slattery of Peabody then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes after seven o'clock P.M. (Mr. Voke of Boston being in the Chair), the House adjourned, to meet tomorrow at twelve o'clock noon.
Wednesday, November 15, 1995.

Met according to adjournment, at twelve o’clock noon.

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

Eternal God, at the beginning of this final formal session of the calendar year we pray for Your guidance which helps us to make productive and fair legislative decisions. We are grateful for the many spiritual blessings which we have enjoyed during these months. We thank You, too, for Your assistance in addressing the many thorny political, social and ethical issues which have come before us frequently. We cannot resolve all of today’s political challenges or satisfy everyone’s “wish list”. But grant us the wisdom to unite people of good will and good intentions in proposing legislation which serves the best interests of the people, the common good, our families, and our public and private institutions.

Grant Your blessings 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 (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to providing that the license originally issued to Produce Barn, Inc., in the town of Norton, will not affect the number of licenses otherwise allotted to the town under the provisions of chapter one hundred and thirty-eight of the General Laws (House, No. 5663) 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 Government Regulations. Sent to the Senate for concurrence.

Special Communication.

The following communication, together with returns of votes and schedules therein referred to, was received from the Secretary of the Commonwealth, to wit:—

THE COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN,
SECRETARY OF THE COMMONWEALTH
STATE HOUSE, BOSTON, MA 02133
To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special elections held in this Commonwealth on the seventh day of November, 1995, for Representatives in the General Court, 2nd Franklin District, 10th Suffolk District, and the 11th Plymouth District, together with the schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communication was read; and, there being no objection, it was placed on file.

Members-elect to be Qualified.

The special committee of the House, appointed at the preceding sitting, relative to the qualification of Geraldine Creedon of Brockton, member-elect from the Eleventh Plymouth District; David T. Donnelly of Boston, member-elect from the Tenth Suffolk Representative District; and John F. Merrigan of Greenfield, member-elect from the Second Franklin Representative District entered the House Chamber under escort of the Sergeant-at-Arms and accompanied by Mrs. Creedon and Messrs. Donnelly and Merrigan. Mr. Fitzgerald of Boston then reported that said committee had completed its assignment.

Special Committee of the House.

The Speaker then appointed a special committee of the House to wait upon His Excellency the Governor and the Honorable Council and inform them that members-elect Geraldine Creedon of Brockton, from the Eleventh Plymouth Representative District; David T. Donnelly of Boston, from the Tenth Suffolk Representative District; and John F. Merrigan of Greenfield, from the Second Franklin Representative District are ready to take the oaths and affirmations of qualification.

Representatives Reinstein of Revere, Giglio of of Medford, Iannuccillo of Lawrence, Gougen of Fitchburg, Miceli of Wilmington, Kaprielian of Watertown, Flavin of Easthampton, Garry of Dracut, Guerriero of Melrose, Hyland of Foxborough and Barsom of Wilbraham were appointed the committee.

Subsequently Mr. Reinstein, for the committee, reported that they had attended to the duty assigned them, and that His Excellency would attend forthwith and administer the oaths of office.
Soon afterward His Excellency the Governor, William F. Weld and Lieutenant-Governor Argeo Paul Cellucci, accompanied by the Honorable Councillors, David F. Constantine, Cynthia S. Creem, Patricia A. Dowling, Dorothy A. Kelly Gay and Kelly A. Timilty, came in; the oaths and affirmations required by the Constitution and the laws were administered by His Excellency to members-elect Geraldine Creedon of Brockton, David T. Donnelly of Boston, and John F. Merrigan of Greenfield, and were subscribed by them; after which His Excellency declared that they were duly qualified to enter upon the discharge of their duties.

Members Qualified.

Mrs. Canavan of Brockton then introduced Representative Geraldine Creedon of Brockton, who was now duly qualified as a member of the House; and after remarks by Mrs. Creedon, she was assigned Seat No. 60 by the Speaker.

Mr. Fitzgerald of Boston then introduced Representative David T. Donnelly of Boston, who was now duly qualified as a member of the House; and after remarks by Mr. Donnelly, he was assigned Seat No. 134 by the Speaker.

Mr. Hodgkins of Lee then introduced Representative John F. Merrigan of Greenfield, who was now duly qualified as a member of the House; and after remarks by Mr. Merrigan, he was assigned Seat No. 99 by the Speaker.

Resolutions.

Resolutions (filed with the Clerk by Mr. Brett of Boston) honoring David Ellwood, were referred, under Rule 85, to the committee on Rules.

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

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

Resolutions (filed by Mrs. Hahn of Westfield) commemorating the annual ecumenical Thanksgiving service in the city of Westfield;

Resolutions (filed by Representatives Iannuccillo of Lawrence, Coon of Andover, Broadhurst of Methuen and Cuomo of North Andover) congratulating Frances Desimone on the occasion of her eighty-eighth birthday; and

Resolutions filed by Messrs. Kafka of Sharon and Galvin of Canton) congratulating Joseph Gomes for twenty-eight years of dedicated service to the Stoughton Council on Aging;

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

Resolutions (filed with the Clerk by Mr. Bellotti of Quincy) congratulating Beechwood Community Life Center's first year "On the Bay", were referred, under Rule 85, to the committee on Rules.

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

Order.

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

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety be granted until Wednesday, January 17, 1996, within which to make its final report on current Senate documents numbered 1271 and 1284.

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

Reports of Committees.

By Mrs. Menard of Somerset, for the committee of Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of James R. Miceli for legislation to authorize the Division of Capital Planning and Operations to convey a certain parcel of land located in the town of Tewksbury to Robert Atamian Realty Trust. Under suspension of Rule 42, on motion of Mr. Miceli of Wilmington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration. Sent to the Senate for concurrence.

Mr. Finneran of Boston, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1897; and striking out the title and inserting in place thereof a new title) of the House Bill relative to bond authorizations to meet certain capital emergencies of the Commonwealth (House, No. 4867), reports, in part, a Bill relative to bond authorizations for certain emergency capital projects of the Commonwealth (House, No. 5652 ).

Under suspension of the rules, on motion of Mr. Finneran, the report (having been approved by the committees on Bills in the Third
Reading of the two branches, acting concurrently) was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Angelo of Saugus, for the committee on Government Regulations, on a petition, a Bill authorizing the town of Randolph to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5317), which was read [Local Approval Received].

Under suspension of the rules, on motion of Mr. Manning of Milton, 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.

Engrossed Bills.

The engrossed Bill relative to the zoning of antenna structures used by federally licensed amateur radio operators (see House, No. 2782, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the Speaker and sent to the Senate.

The engrossed Bill validating the results of a special debt exclusion election held in the town of Brookfield on May twentieth, nineteen hundred and ninety-five (see House bill printed in House, No. 5341) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the Speaker and sent to the Senate.

Engrossed bills

Relative to conservation commission alternates in the town of Brewster (see Senate, No. 1068);

Establishing a crime of resisting a police officer making a lawful arrest (see Senate, No. 1932);

Authorizing the county commissioners of Bristol County to borrow money for the repair, renovation, construction, equipping and furnishing of facilities at Bristol County Agricultural School in the town of Dighton (see Senate, No. 1949); and

Providing for the appointment of the tax collector and treasurer of the town of Heath (see Senate, No. 1992);

(Which severally originated in the Senate);

Relative to the trust fund commission of the town of Tewksbury (see House, No. 368);

Relative to the operation of farm equipment (see House, No. 4769);
Bills enacted.

Relative to court and probation officers (see House, No. 5162);
Relative to stock plans of state-chartered stock banks (see House, No. 5240);
Relative to the charter of the town of Needham (see House, No. 5344);
Relative to the Seekonk Water District (see House, No. 5409);
Exempting the sale or lease of certain land in the town of Sheffield from the bidding laws (see House, No. 5425); and
Relative to early retirement procedures for retirement board employees (see House, No. 5558);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the Division of Capital Planning and Operations to grant certain title, easements and right of way in certain parcels of land in the town of Fairhaven (see House, No. 4967, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 145 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 267 in Supplement.]

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

Recess.

At eighteen minutes after one o'clock P.M., on motion of Mrs. Creedon of Brockton, the House recessed until a quarter after two o'clock P.M.; and at that time the House was called to order.

Report of a Committee.

By Mr. Finneran of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill making appropriations to fund certain collective bargaining agreements between the Board of Trustees of the University of Massachusetts and the employee organizations representing faculty and librarians at the university's Amherst, Boston, Dartmouth and Lowell campuses (printed in House, No. 5646), which was read [Cost: $7,174,136.00].
Under suspension of Rule 41, on motion of Mr. Finneran of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Story of Amherst, 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.

Recess.

At nineteen minutes before three o'clock P.M., on motion of Mr. Panagiotakos of Lowell, the House recessed until the hour of three o'clock P.M.; and at that time the House was called to order.

Orders of the Day.

The Senate Bill increasing the membership of the commission for early childhood education (Senate, No. 301, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills
Relative to the membership of the conservation commission of the town of Chilmark (House, No. 4977);
Authorizing the Division of Capital Planning and Operations to grant easements over certain parcels of land located in the city of Lowell (House, No. 5218); and
Relative to the terms of certain notes to be issued by the Commonwealth (printed in House, No. 5573, changed);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House bills
Relative to the Energy Conservation Service Public Advisory Committee (House, No. 3332); and
Relative to insurance redlining (House, No. 5649, amended);
Severally were read a third time.
The committee on Bills in the Third Reading reported, in each instance, asking to be discharged from further consideration of the bills; and the reports were accepted.
The bills then were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the terms of certain bonds and notes to be issued by the Commonwealth (printed in House, No. 5489) was read a third time.
The committee on Bills in the Third Reading reported recommending that the bill be amended by inserting before the enacting clause the following emergency preamble:
Third reading
bill amended.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the issuance of bonds and notes to carry out the purposes of certain acts passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (printed in House, No. 5489, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Second reading
bill engrossed.

The Senate Bill establishing a board of water and sewer commissioners in the town of Ashburnham (Senate, No. 1985) was read a second time; and it was ordered to a third reading.

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

Id.

The Senate Bill authorizing the town of Ashburnham establish a capital improvement fund (Senate, No. 1986) was read a second time; and it was ordered to a third reading.

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

Id.

The Senate Bill relative to the issuance of an all alcoholic beverage license in the city of Marlborough (Senate, No. 2007) was read a second time; and it was ordered to a third reading.

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

Second reading
bill engrossed.

The House Bill relative to tenant members of housing authorities (House, No. 5657) was read a second time; and it was ordered to a third reading.

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

Senate bills
Relative to swine farms (Senate, No. 547);
Relative to municipal bonding to finance cleanup of environmental hazards (Senate, No. 1058);
Requiring school bus headlights to be illuminated while such bus is in operation (Senate, No. 1318);
Relative to the prosecution of the crime of rape (Senate, No. 1965);
Prohibiting the disclosure of the names and telephone numbers of certain law enforcement personnel and others (Senate, No. 1966, amended);
To designate a certain bridge in the town of Shrewsbury as the Amsan John W. "Jay" Burkhardt, Jr., United States Navy Memorial Bridge (Senate, No. 2021);
Authorizing the exchange of land between the town of Duxbury and the Ojala Trust (Senate, No. 2026);
Dissolving the Erving Water District (Senate, No. 2029);
Providing for the appointment of the tax collector and the treasurer of the town of Charlemont (Senate, No. 2037);
Providing for the appointment of the treasurer in the town of Colrain (Senate, No. 2058);
Providing for the appointment of the tax collector in the town of Colrain (Senate, No. 2059); and
Relative to the abolishment of the cemetery commissioners and the position of tree warden in the town of Northfield (Senate, No. 2080); and
House bills
Requiring dietary guidelines for school meals (House, No. 4265); and
Relative to liability insurance for day care facilities (House, No. 5204);
Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to child labor (House, No. 4757) was considered.
The amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 5624), — was adopted.
The substituted bill then was ordered to a third reading.

The House Bill to establish the Massachusetts retirement incentive for military division employees (House, No. 4011, changed) 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. 5642), — was adopted.
The substituted bill then was ordered to a third reading.

The House Bill relative to traffic on Route 3 (House, No. 4560), 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 Hynes of Marshfield and Cleven of Chelmsford moved, there being no objection, that it be amended by striking out all after the enacting clause and inserting in place thereof the following:
The secretary of the executive office of transportation and the secretary of the executive office of public safety shall jointly study the feasibility of allowing travel in the breakdown lane, so called, during commuting hours in the portion of Route 3 which extends between the exits in the towns of Hanover and Marshfield and in the northbound portion of Route 3 between Route 128 and the border of the State of New Hampshire. Said secretaries shall report the findings of said study, along with recommendations for any legislation, to the joint committee on transportation by June thirtieth, nineteen hundred and ninety-six.

The amendment was adopted; and the bill (House, No. 4560, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to safety restraints in shopping carriages (House, No. 4249), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Ruane of Salem moved that it be amended by striking out, in line 6, the word "offer" and inserting in place the words "make available".

The amendment was adopted; and the bill (House, No. 4249, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to salvage title inspections (Senate, No. 1933) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

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

"SECTION 1. Section 9 of chapter 490 of the acts of 1993 is hereby amended by striking out the word ‘ninety-five’ each time it appears and inserting in place thereof the word ‘ninety-six’.

SECTION 2. Section 142M of chapter 111 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 196, the word ‘ninety-five’ and inserting in place thereof the word ‘ninety-six’.

SECTION 3. Said section 142M of said chapter 111, as so appearing, is hereby further amended by striking out, in line 201, the word ‘ninety-six’ and inserting in place thereof the word ‘ninety-seven’; and by striking out the title and inserting in place thereof the following title: “An Act relative to inspection and maintenance programs.”.

The amendments were adopted; and the bill (Senate, No. 1933, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.
The House Bill clarifying group health coverage for certain public employees (House, No. 3749) 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, Messrs. Petrolati of Ludlow and Bosley of North Adams moved, there being no objection, that it be amended by substitution of a Bill further regulating group health coverage for certain public employees (House, No. 5661), 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 to increase public access to data concerning physicians and create a clinical quality improvement unit at the Board of Registration in Medicine (House, No. 5625) 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. McDonough of Boston moved that it be amended by substitution of a bill with the same title (House, No. 5662), which was read.

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

The Senate Bill relative to the payment of wages (Senate, No. 1929) 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 relative to the assignment of municipal taxes (House, No. 5277) was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, — that the bill be amended by substitution of a bill with the same title (House, No. 5655), — and the main question on ordering the bill to a third reading, Mr. Peters of Charlton moved that the proposed substitute bill be amended in section 1 by adding at the end thereof the following sentence: “Specifically the commissioner shall devise standards by which municipalities may calculate or determine particular tax receivables, for the purposes of this act.” The further amendment was adopted.

The amendment, recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill was ordered to a third reading.
The House report of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 5511) of Patricia D. Jehlen and another relative to the posting of signs containing certain information at forks or intersections, was considered.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Ms. Jehlen of Somerville.

Paper from the Senate.

The House Bill providing for capital outlays for the acquisition, upgrading, development and implementation of a comprehensive integrated information system for the Trial Court of the Commonwealth (House, No. 5462, amended) came from the Senate with amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2113; striking out the title and inserting in place thereof the following title: “An Act providing for capital outlays for the acquisition, upgrading, development and implementation of comprehensive integrated information technology systems.”; and striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for capital outlays to enhance the efficiency of state government immediately, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments with further amendments by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

“SECTION 1. To provide for the design, acquisition, upgrading, development and implementation of a comprehensive integrated information system for the trial court of the commonwealth, the sums set forth in section two of this act for the several purposes and subject to the conditions specified herein, are hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

JUDICIARY.

Trial Court.

0330-0951 For the acquisition, upgrading, development and implementation of a comprehensive integrated information system within and between the departments of the trial court of the commonwealth, as specified herein, including the purchase and installation of certain computer and data processing equipment, and for costs associated with planning, software development and
related implementation costs, including the salaries and other personnel costs of staff assigned to said project; provided, however, that the chief justice for administration and management of the trial court, in consultation with the office of management information systems, shall implement a statewide comprehensive integrated court information system within and between the departments of the trial court which is intended, among other purposes, to allow for the exchange of information within and between the departments of the trial court and between the trial court department and law enforcement agencies, public safety agencies, prosecutorial agencies, other state agencies, attorneys and the public that interact with the trial court departments; provided, further, that procurements of hardware, software and services shall be consistent with the Massachusetts strategic plan for information technology, so called; provided, further, that all procurements shall satisfy the governor's advisory council on information technology standards, or the GACIT standards, so-called; provided, further, that no funds shall be expended from this item until such time as the chief justice for administration and management of the trial court submits a plan detailing the expenditure of funds authorized herein to the house and senate committees on ways and means, the house and senate committees on science and technology, the joint committee on state administration and the secretary of administration and finance; provided, further, that not more than five percent of the funds authorized herein may be expended for the administration and implementation of said capital projects funded herein, and provided, further, that said chief justice shall submit a report detailing said administrative expenditures to said committees ................. 75,000,000.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of section two of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor, from time to time, but not exceeding in the aggregate, the sum of seventy-five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Judiciary Information Technology Loan, Act of 1995, and shall be issued for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court pursuant to Section 3 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 eight.
Trial Court, —

Bonds and the interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two of this act and may issue and renew from time to time notes of the commonwealth thereof, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and eight.

Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. All interest and payments on account of principal of such obligations shall be payable from the General Fund.

SECTION 5. Expenditures of funds for the purpose of section two of this act shall be based upon schedules prepared by the office of the chief justice for administration and management of the trial court and submitted to the secretary of administration and finance, the house and senate committees on ways and means, the house and senate committees on science and technology and the joint committee on state administration thirty days prior to the obligation of said funds. Said office is hereby further authorized and directed to file annually with said committees, commencing not later than September first, nineteen hundred and ninety-six, an accounting of expenditures for said project contained in said section two for the prior fiscal year, including, but not limited to, an accounting of the amount expended for hardware, software and personnel, an assessment of whether such project is within budget and on schedule for completion, and an explanation of any deviations in completion timetables and funding needs that were originally established for such project. Said office shall simultaneously file with said committees and said secretary a spending plan identifying projected expenditures on such project in the current fiscal year, including but not limited to, expenditures by type, and projected milestones and completion schedules.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for authorization to expend capital funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; by striking out the emergency preamble (inserted by amendment by the Senate) and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for authorization to expend capital funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title (inserted by amendment by the Senate) and inserting in place thereof the following title: "An Act providing for capital outlays for the acquisition, upgrading, development and implementation of a comprehensive integrated information system for the Trial Court of the Commonwealth.".
The further amendments were adopted. The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendments.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on a message from His Excellency the Governor, a Bill authorizing and conforming the conveyance of a certain parcel of park land in the town of South Hadley (printed in House, No. 5653), which was read.

Under suspension of the rules, on motion of Ms. Flavin of Easthampton, 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. Rushing of Boston, for the committee on Insurance, on a recommitted petition, a Bill relative to insurance co-payments (House, No. 1106), which was read.

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

Recess.

At nineteen minutes after three o'clock P.M., on motion of Mr. Donnelly of Boston, the House recessed until the hour of four o'clock P.M.; and at eighteen minutes before five o'clock the House was called to order.

Quorum.

Mrs. Menard of Somerset 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 149 members were recorded as being in attendance.

[See Yeas and Nays No. 268 in Supplement.]

Therefore a quorum was present.

Papers from the Senate.

The House Bill establishing a department of public works in the town of Weston (House, No. 5168) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 and inserting in place thereof the following section:

"SECTION 2. The board of selectmen shall appoint a director of operations who shall be especially fitted by education, training and
Weston,—
department of
public works.

Donna Jean
Bianchi
Bail Reform
Act.

“911”
recordings,—
preserve.

experience to perform the duties of said office. Said director may
appoint and remove such employees as the exercise and performance
of his powers, rights and duties may require, subject to available
appropriations and subject to the approval of said board of
selectmen. The term of office of the director shall be determined by
the board of selectmen and said director shall serve at the pleasure
of said board and shall not be subject to the provisions of section
nine A of chapter thirty of the General Laws or chapter thirty-one of
the General Laws. Said director shall hold no elective office during
his tenure nor shall he engage in any other business or occupation.
The board of selectmen may remove the director when, in its judg-
ment, the public interest so requires and shall fix the compensation
of the director, subject to available appropriations.”

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

A Resolve providing for reference to chapter sixty-eight of the
Acts of nineteen hundred and ninety-four as the Donna Jean Bianchi
Bail Reform Act (Senate, No. 2055) (on a petition), passed to be
engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Voke of Boston,
the resolve was read a second and a third time forthwith; and it was
passed to be engrossed, in concurrence.

The Senate report of the committee on Government Regulations,
ought NOT to pass, on a petition (accompanied by bill, Senate,
No. 462) of Lois G. Pines, Brian P. Lees, Mary Jane Simmons,
Patricia D. Jehlen and Anne M. Paulsen for legislation relative to the
maintenance of emergency service “911” recordings, came from the
Senate with the endorsement that said petition had been referred to the
committee on Public Safety.

On motions of Mr. Angelo of Saugus, the House non-concurred
with the Senate in its reference to the committee on Public Safety
and referred said petition to the committees on Rules of the two
branches, acting concurrently; and the petition was returned to said
branch endorsed accordingly.

Emergency Measure.

The engrossed Bill relative to bond authorizations for certain
emergency capital projects of the Commonwealth (see House,
No. 5652), having been certified by the Clerk to be rightly and truly
prepared for final passage, was considered, the question being on
adopting the emergency preamble.

A separate vote was taken, as required by the provisions of
Article XLVIII (as amended by Article LXVII) of the Amendments
to the Constitution; and the preamble was adopted, by a vote of 32
to 0. Sent to the Senate for concurrence.
Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) 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 "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 269 in Supplement.]

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

Recess.

At five minutes before six o'clock P.M., on motion of Mr. Fitzgerald of Boston, the House recessed until the hour of seven o'clock P.M.; and at twenty-five minutes after seven o'clock the House was called to order.

Papers from the Senate.

The House Bill relative to the sentencing of delinquent juveniles (House, No. 4252, amended) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 1 striking out, in lines 8 to 13, inclusive, the words "until such person attains his eighteenth birthday; and said commissioner shall place such child in the custody of a facility supported by the commonwealth for the care, custody and training of such delinquent children for not less than one hundred and eighty days; provided, however, that said period of time shall not be reduced or suspended" and inserting in place thereof the words "who shall place such child in the custody of a facility supported by the commonwealth for the care, custody and training of such delinquent children for a period of at least one hundred and eighty days or until such child attains his eighteenth birthday, whichever first occurs"; and by adding at the end thereof the following section:

"SECTION 2. Notwithstanding the provisions of section two hundred and three of chapter three hundred and seventy-nine of the acts of nineteen hundred and ninety-three and section one of chapter two hundred and eighteen of the General Laws, or any other general or special law to the contrary, the Brookline and Gloucester divisions of the juvenile court department having jurisdiction over cases of delinquent children and petitions brought under chapter one hundred and nineteen of the General Laws, shall continue to accept such cases and petitions for filing and issue process therein on January first, nineteen hundred and ninety-six, and shall retain such jurisdiction until such time as the first justice of the respective division of said district court department approves of the transfer of said jurisdiction to a juvenile court division."

Under suspension of Rule 35, on motion of Mr. Haley of Weymouth, 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.
Easthampton,—

The engrossed Bill authorizing the town of Easthampton to use a certain parcel of park land for highway purposes (see House, No. 4665) came from the Senate with the following amendment:

In section 1 (as printed) striking out, in line 6, the following: "Article 4" and inserting in place thereof the following: "Article 35".

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

Public safety employees,—

death benefits.

The House Bill relative to the public safety employees line of duty death benefits (House, No. 4924) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following three sections:

"SECTION 3. Section 100A of chapter 32 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by inserting after the word ‘firefighter,’ in lines 9, 18 and 21, each time it appears, the following words: — public prosecutor."

"SECTION 4. Said section 100A of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 21 to 24, inclusive, the words ‘, if said parent or parents were at least fifty percent financially dependent upon such firefighter, police officer or corrections officer, in the year prior to the death of such firefighter, police officer or corrections officer’."

"SECTION 5. Said section 100A of said chapter 32, as so appearing, is hereby further amended by adding the following subsection: —

(g) This section shall apply in the case of the death of a public prosecutor occurring on or after January first, nineteen hundred and ninety-five.”.

Under suspension of the rules, on motion of Mr. Honan of Boston, the amendment was considered forthwith; and it was adopted, in concurrence.

Belmont,—
capital endowment fund.

The engrossed Bill relative to the capital endowment fund of the town of Belmont (see House, No. 5121) came from the Senate with the following amendment:

Striking out section 2 (as engrossed) and inserting in place thereof the following section:

"SECTION 2. Said chapter 15 is further amended by inserting after section 5 the following section: —

Section 5A. Upon the recommendation of the selectmen and approval of the town meeting, the town of Belmont is hereby au-

Authorized to design and print on its municipal tax bills or motor vehicle excise tax bills, or on a separate form to be mailed with such bills, an option whereby a taxpayer may indicate a donation and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and which donated and pledged amount shall be deposited in the Belmont Capital Endowment Fund.”.
Under suspension of the Rule 35, on motion of Mrs. Paulsen of Belmont, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill providing for a joint feasibility study relating to a unified transportation system in the Boston metropolitan area (House, No. 5399, changed and amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 striking out, in lines 40 and 41 (inserted by amendment by the House) the following: "CO8A3 component of the Central Artery/Tunnel project" and inserting in place thereof the following: "DO08A component of the Central Artery/Tunnel project, including all construction contracts associated therewith".

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

The House Bill providing for distinctive registration plates commemorating the participation of the United States Olympic Team in the Olympics (House, No. 5459) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following section:

"SECTION 4. Section six H of chapter sixty-two of the General Laws, inserted by section two of this act, shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-six.".

Under suspension of the rules, on motion of Mr. Caron of Springfield, the amendment was considered forthwith; and it was adopted, in concurrence.

The House Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land located in the town of Holden (House, No. 5461) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2120.

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

The House Bill making appropriations for the fiscal year nineteen hundred and ninety-six to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5628) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2117.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.
Supplementary appropriations.

The same member then moved that the House concur with the Senate in its amendment with a further amendment in section 2A by striking out item 0321-1525, item 4800-2000 and item 8100-1000.

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

Reports of Committees.

Mr. Finneran of Boston, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2075) of the House Bill providing for a program of capital improvements to the system of public higher education in the Commonwealth (House, No. 5094), reports, in part, a Bill providing for a program of capital improvements to the system of public higher education in the Commonwealth (House, No. 5666).

Under suspension of the rules, on motion of the same member, the report (having been approved by the committees on Bills in the Third Reading of the two branches, acting concurrently) was considered forthwith; and it was accepted. The report then was sent to the Senate for concurrence.

Mr. Bosley of North Adams, for the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out section 20A) (in which the Senate had non-concurred) of the House Bill relative to business organizations in the Commonwealth (House, No. 4045, changed and amended), reports recommending that the Senate recede from its non-concurrence with the House in its further amendment and concur therein with a still further amendment striking out said section and inserting in place thereof the following two sections:

"SECTION 20A. A corporation which is a member or assignee of a member of a limited liability company in existence and conducting business in Massachusetts on or before November fifteenth, nineteen hundred and ninety-five and treated as a partnership, shall be allowed a credit against its excise tax due under chapter sixty-three of the General Laws for its pro rata share of the limited liability company's investment tax credit as determined under the provisions of section thirty-one A of said chapter sixty-three and a research and development credit as determined under the provision of section thirty-eight M of said chapter sixty-three as though such limited liability company was a corporation. In no event shall the credit allowable under this paragraph reduce the corporate member's excise tax to less than the amount due under subsection (b) of section thirty-two, subsection (b) of section thirty-nine and section sixty-seven of chapter sixty-three of the General Laws and under any act in addition thereto. In no event shall a member or assignee of a member who is a person subject to tax under chapter sixty-two be allowed a credit under this section."
SECTION 20B. The provisions of section twenty A shall become inoperative as of January first, two thousand," and that the House concur in the still further amendment.

Under suspension of the rules, on motion of Mr. Bosley, the report (having been approved by the committee on Bills in the Third Reading) was considered forthwith; and it was accepted. The report then was sent to the Senate for concurrence.

Mr. Brett of Boston, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2112) of the House Bill relative to job retention and economic expansion in the Commonwealth (House, No. 5617), reports recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein with the following further amendment:

Striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5667; and that the Senate concur in the further amendment.

Under suspension of the rules, on motion of the same member, the report (having been approved by the committee on Bills in the Third Reading) was considered forthwith.

Afer debate on the question on acceptance of the report of the committee of conference, the sense of the House was taken by yeas and nays, at the request of Ms. Jehlen of Somerville; and on the roll call 129 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 270 in Supplement.]

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to the exchange of certain land by the trustees of the Higher Education Coordinating Council and Wentworth Institute of Technology (Senate, No. 1977, amended) ought to pass with an amendment striking out section 3 and inserting in place thereof the following section:

"SECTION 3. The value of the properties described in sections one and two shall be determined by the commissioner based upon an independent professional appraisal prepared in accordance with standard appraising procedures and taking into consideration the impact on value of any easements and restrictions including, without limitation, use restrictions contained herein. The inspector general shall review and approve said appraisal and said review shall include a review of methodology utilized for said appraisal. The inspector general shall prepare a report for his review and file said report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with section five of this act.

The consideration paid by the commonwealth for the property described in section two shall not exceed the fair market value of the
property as determined in accordance with this section three, minus the value of the property described in section one as determined in accordance with this section three.

The commissioner shall, thirty days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within fifteen days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to execution.

Under suspension of the Rule 41, on motion of Mr. Finneran of Boston, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on further motion of the same member, the bill was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the Commissioner of the Division of Capital Planning and Operations to acquire certain parcels of land in the city of Woburn (House, No. 159) ought to pass.

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Planning and Operations to grant easements in certain land located in the city of Northampton (House, No. 4974) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5664).

Under suspension of Rule 41, on motion of Mr. Nagle of Northampton, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Ways and Means was adopted; and the substituted bill was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Nagle, 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.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill increasing the fee retainer by the city/town
clerks or other person issuing sporting/hunting/fishing/trapping licenses (House No. 5555) ought to pass.

Under suspension of the rules, on motion of Mr. Keenan of Blandford, 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.

Engrossed Bill.

The engrossed Bill relative to business organizations in the Commonwealth (see House, No. 4045, changed and amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Bosley of North Adams; and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 271 in Supplement.]
Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Emergency Measure.

The engrossed Bill providing for capital outlays for the acquisition, upgrading, development and implementation of a comprehensive integrated information system for the Trial Court of the Commonwealth (see House, No. 5462, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 28 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 272 in Supplement.]
Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed Bill — Land Taking — State Loan.

The engrossed Bill providing for a program of capital improvements to the system of public higher education in the Commonwealth (see House, No. 5666) (which originated in the
Bill enacted (land taking—state loan)—yea and nay No. 273.

Suspension of Rule 1A.

Rule 1A suspended—yea and nay No. 274.

Massachusetts Teachers Association/NEA—collective bargaining.

Worcester public schools—awards program.

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 this also being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 273 in Supplement.]

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

Motion to Suspend Rule 1A.

The Speaker 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 134 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 274 in Supplement.]

Therefore Rule 1A was suspended.

Papers from the Senate.

The House Bill making appropriations to fund a certain collective bargaining agreement between the Higher Education Coordinating Council and the Massachusetts Teachers Association/NEA (printed in House, No. 5607) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2121; and striking out the title and inserting in place thereof the following title: “An Act making appropriations to fund certain collective bargaining agreements between the Commonwealth and certain employees of the public higher education system.”.

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

A Bill establishing a special account to fund a performance based awards program in the Worcester public school system (Senate, No. 2054, changed by inserting after the word “act”, in line 32, the words “; provided, however, that any unreserved balance remaining in said account after said program is discontinued shall revert to the general fund of the school committee”) (on a petition), passed to be engrossed by the Senate, was read [Local Approval Received].
Under suspension of the rules, on motion of Mr. Glodis of Worcester, 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.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Franklin to convey a certain parcel of land (see House, No. 5580) (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 148 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 275 in Supplement.]

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

Papers from the Senate.

The engrossed Bill relative to the appointment and reappointment of certain police officers (see Senate, No. 1385) came from the Senate with the endorsement that it had been returned to said branch by His Excellency the Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see Senate, No. 2083); and that the bill had been amended, as follows:

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

'Chapter 41 of the General Laws is hereby amended by adding the following section:—

Section 133. Pursuant to this chapter, and notwithstanding the provisions of any general or special law to the contrary, the appointment and reappointment of full-time police officers not subject to the provisions of chapter thirty-one shall be subject to the following provisions:

(a) The initial appointment shall be for a period of one year during which a person shall actually perform the duties of such position on a full-time basis. The initial appointment shall be a probationary period during which police officers shall be deemed employees at will whose removal or dismissal shall be without recourse at any time during such initial appointment.

(b) Appointment subsequent to the initial appointment shall be made annually or for a term of years not exceeding three years, as the appointing authority shall determine, and such appointing authority may remove any such officer for cause, and after a hearing, at any time during such appointment. For police officers
covered by collective bargaining agreements which contain standards for the discharge, termination or removal of employees, the non-reappointment of a police officer serving under an appointment subsequent to an initial appointment shall be considered to be a discharge, termination or removal and the standards shall be enforceable with respect to such non-reappointment by the procedures set forth in the collective bargaining agreement.”.

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

The House Bill authorizing a capital outlay for the payment of certain court judgments (printed in House, No. 5091, changed and amended) came from the Senate passed to be engrossed, in concurrence, with amendments as follows:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document number 2124; and inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide capital funds for the immediate payment of certain court judgments, settlements and legal fees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendments were considered forthwith.

The same member then moved that the House concur with the Senate in its amendments with a further amendment in section 4A (inserted by amendment by the Senate) by adding at the end thereof the following: “; provided, however, that nothing within this section shall be construed or interpreted to interfere with, discontinue or change the operation of the state house tour program operated by the Secretary of the Commonwealth or the present location and operation of the state house gift cart in Doric Hall of the state house, so-called; and the state house bookstore in rooms 102, 103, and 116 of the East Wing of the State House, so-called, operated and controlled exclusively by the Secretary of the Commonwealth”.

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

The engrossed Bill increasing the amount of certain retirement or death benefits which may be paid by the Watertown Police Relief Association, Incorporated (see Senate, No. 1543) came from the Senate with the following amendments:

In section 1 striking out, in line 5 (as engrossed), the word “June” and inserting in place thereof the word “May”; and in section 2 striking out, in line 1 (as engrossed), the word “June” and inserting in place thereof the word “May”.

Watertown Police Relief Association.
Under suspension of Rule 35, on motion of Ms. Kaprielian of Watertown, 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.

The engrossed Bill relative to the appointment of the advisory board on county expenditures for Middlesex County (see House, No. 5241) came from the Senate passed to be engrossed, in concurrence, with the following amendment:

In section 1 striking out, in line 5 (as engrossed), the following: "in a city having a Plan C or Plan D" and inserting in place thereof the following: "appointed by the city manager in a city having a Plan D or Plan E".

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

The House Bill authorizing the Division of Capital Planning to grant certain easements in the city of Gardner (House, No. 5239) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2119; and striking out the title and inserting in place thereof the following title: "An Act authorizing the Division of Capital Planning and Operations to grant certain easements in the city of Gardner."

Under suspension of Rule 35, on motion of Mr. Hawke of Gardner, 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.

The House Bill authorizing the Division of Capital Planning and Operations to convey certain land located in the city of Brockton (House, No. 5533) came from the Senate passed to be engrossed, in concurrence, with the following amendment:

Striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4383.

Under suspension of the rules, on motion of Mr. Finneran of Boston, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and the bill was returned to that branch endorsed accordingly.

A Bill authorizing the town of Walpole to enter into a sewer rate agreement (Senate, No. 2115) (on House, No. 5576), passed to be engrossed by the Senate, was read.

Under suspension of Rule 41, on motion of Mr. Rogers of Norwood, the bill was read a second time forthwith; and it was ordered to a third reading.
Under suspension of the rules, on motion of Mrs. Sprague of Walpole, 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.

A Bill relative to redevelopment in the Roxbury area of the city of Boston (Senate, No. 2118) (on Senate, No. 602), passed to be engrossed by the Senate, was read.

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

Under suspension of the rules, on motion of Ms. Fox of Boston, the bill was read a third time; and it was passed to be engrossed, in concurrence. Mr. Rushing of Boston moved that this vote be reconsidered; and the motion to reconsider was negatived.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Easthampton to use a certain parcel of park land for highway purposes (see House, No. 4665, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 276 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 Division of Capital Planning and Operations to convey a certain parcel of land located in the town of Holden (see House, No. 5461, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 277 in Supplement.]

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

The engrossed Bill authorizing a capital outlay for the payment of certain court judgments (see House bill printed in House, No. 5091, changed and amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 24 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was 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 "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

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

The engrossed Bill providing for a joint feasibility study relating to a unified transportation system in the Boston metropolitan area (see House bill printed in House, No. 5399, changed and amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 22 to 0. Sent to the Senate for concurrence.

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

The engrossed Bill relative to certain health insurance contributions (see House, No. 5618), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 23 to 0. Sent to the Senate for concurrence.

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

The engrossed Bill relative to the appointment and reappointment of certain police officers (see Senate, No. 1385) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the Speaker and sent to the Senate.

Engrossed bills
Increasing the membership of the commission for early childhood education (see Senate, No. 301, amended);
Further regulating the bidding of public construction contracts (see Senate, No. 1484);
Increasing the amount of certain retirement or death benefits which may be paid by the Watertown Police Relief Association, Incorporated (see Senate, No. 1543, amended);
Establishing a board of water and sewer commissioners in the town of Ashburnham (see Senate, No. 1985);
Authorizing the town of Ashburnham to establish a capital improvement fund (see Senate, No. 1986);
Relative to the issuance of an all alcoholic beverage license in the city of Marlborough (see Senate, No. 2007);
Establishing a special account to fund a performance based awards program in the Worcester public school system (see Senate, No. 2054, changed);
(Which severally originated in the Senate);
Authorizing housing authorities to install, remove and maintain certain property of certain low income elderly tenants (see House, No. 553, amended);
Further regulating the seizure of registration plates (see House, No. 2419, amended);
Relative to the theft of telecommunications services (see House, No. 2527, changed);
Relative to the sentencing of delinquent juveniles (see House, No. 4252, amended);
Relative to the public safety employees line of duty death benefit (see House, No. 4924, amended);
Further regulating the sale of cigarette paper (see House, No. 5027, amended);
Establishing a department of public works in the town of Weston (see House, No. 5168, amended);
Relative to the appointment of the advisory board on county expenditures for Middlesex County (see House, No. 5241, amended);
Authorizing the town of Randolph to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5317);
Providing for additional assistant clerks in the District Court Department of the Commonwealth (see House, No. 5413, amended);

Providing for distinctive registration plates commemorating the participation of the United States Olympic Team in the Olympics (see House No. 5459, amended);

Making appropriations to fund certain collective bargaining agreements between the Commonwealth and certain employees of the public higher education system (see House bill printed in House, No. 5607, amended);

Making appropriations for the fiscal year nineteen hundred and ninety-six to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5628, amended); and

Relative to quarterly tax bills in the cities and towns (see House No. 5645);

(Which severally originated in the House);

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

Engrossed bills
Relative to the capital endowment fund of the town of Belmont (see House, No. 5121, amended); and

Relative to job retention and economic expansion in the Commonwealth (see House, No. 5617, amended);

(Which severally originated in the House);

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

The engrossed Resolve providing for reference to Chapter sixty-eight of the Acts of nineteen hundred and ninety-four as the Donna Jean Bianchi bail reform act (see Senate, No. 2055) (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 Speaker and sent to the Senate.

Order.

On motion of Mrs. Menard of Somerset,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.; when the House adjourns on Monday, it adjourn to meet on the following Wednesday (November 22) at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of Calendars for said sittings.
Mrs. Menard then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at five minutes after twelve o'clock midnight (Thursday, November 16) the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.

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

Gracious God, we depend upon You for the wisdom and courage to remain faithful to You, Your ways, and the values which You have made known to us. Bless our good faith effort to respect Your precepts and the rights and dignity of all people in our diverse society. Guide us in forming and following a right conscience, and in accepting responsibility for our personal decisions. Direct us in making our society free of violence, intolerance, and all forms of discrimination.

Grant Your blessings to the Speaker, to 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.

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 certain collective bargaining agreements between the University of Massachusetts and employee organizations representing professional and technical staff at the university's Amherst, Boston, Dartmouth and Lowell campuses (House, No. 5665) was filed in the office of the Clerk on Wednesday last.

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 terms of certain bond and notes of the Commonwealth (House, No. 5671) was filed in the office of the Clerk on Wednesday last.

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.

Papers from the Senate.

The House Order relative to extending until Wednesday, January 31, 1996, the time within which the committee on Health Care is authorized to report on the residue of House document num-
Health Care committee,—extension of time for reporting.

Transportation committee,—extension of time for reporting.

Seaports and freight access,—development.

Committee of conference.

Ferrets,—possession.

The House Bill relative to the revitalization and development of the Commonwealth's seaports and the improvement of freight access within the Commonwealth (House, No. 5219) came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2074) (in which the House had non-concurred).

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Birmingham, Havern and Rauschenbach had been joined as the committee on the part of the Senate.

The House Bill regulating the possession and use of ferrets (House, No. 295) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 2 (as printed) inserting after the word "breeder", in line 18, the words "; provided, however, that such ferrets offered for wholesale and retail sale are neutered or spayed and have received inoculations against distemper and rabies or other inoculations that the director may require, and evidence of such neutering, spaying and inoculation is kept available by the seller for inspection by said director"; and inserting after the words "section one of chapter 129." in line 38 (as changed by the committee on Bills in the Third Reading), the words "unless such ferrets offered for wholesale or retail sale are neutered or spayed and have received inoculations against distemper and rabies or other inoculations that the director may require, and evidence of such neutering, spaying and inoculation is kept available by the seller for inspection by said director."
Under suspension of the rules, on motion of Mr. Jones of North Reading, 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.

The House Bill further regulating farmer breweries and farmer wineries (House, No. 2723) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 3 (as printed) striking out the paragraph contained in lines 10 to 13, inclusive, and inserting in place thereof the following paragraph:

"(3) sell malt beverages or malt beverage products produced by it, in kegs, casks, barrels or bottles, at wholesale, to any person holding a license issued under section twelve, thirteen, fourteen, fifteen, eighteen, or nineteen and, at retail, by bottle or keg, to consumers for consumption off the brewery premises pursuant to the provisions of section fifteen; provided, however, that total annual sales sold for consumption off the brewery premises shall not exceed 2,000 barrels;"; striking out, in lines 21 and 22, the following:

"5000 barrels or less per year
More than 5000 barrels or less per year

More than 5000 barrels per year
More than 5000 barrels per year

5000 barrels or less per year
More than 5000 barrels and less than 60,000 barrels per year

5,000 barrels or less per year
More than 5,000 barrels per year

$1000 per year
$4500 per year

$1,000 per year
$2,000 per year

$3,000 per year"

in section 4 (as printed) inserting before the word "fourteen," in line 6, the word "twelve,"; in section 5 (as printed) inserting after the word "malt", in lines 6, 7, 9 and also in line 11, in each instance, the word "beverages"; and in section 6 (as printed) inserting after the word "malt", in lines 6, 7, 9, 11, 16 and also in line 18, in each instance, the word "beverage".

Under suspension of Rule 35, on motion of Mr. Angelo of Saugus, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its amendments; and the report was accepted.

The House then non-concurred with the Senate in its amendments; and the bill was returned to that branch endorsed accordingly.

Bills

To authorize the University of Massachusetts to undertake certain integrated technology projects with public and non-public entities (Senate, No. 1919) (on Senate, No. 332 and on House, No. 4083); Providing for capital outlays for the acquisition, upgrading, development, and implementation of comprehensive integrated information technology systems (Senate, No. 2100) (on a part of House, No. 5462);
Relative to aging services access points (Senate No. 2104, amended in section 4 by inserting after the word "elder", in line 16, the words ", such plan to be developed by a licensed or certified health care provider") (reported on Senate, Nos. 507 and 657); and

Improving bicycle transportation (Senate, No. 2047) (on Senate, No. 1729);

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

Reports of Committees.

By Mr. Serra of Boston, for the committee on Rules, asking to be discharged from further consideration of the Bill relative to special education (House, No. 5564),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Serra, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning the civil service system, retirement benefits, regulations and various other matters related to public employees (House, No. 5329) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3799) of William G. Greene, Jr., and James R. Miceli relative to pensions administered by county retirement systems,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Petrolati of Ludlow, for the committee on Public Service, on a recommitted petition, a Bill authorizing and directing the reinstatement of Mary A. Ryan as a member in service in the teachers' retirement system (House, No. 4764).

By Mr. Hodgkins of Lee, for the committee on State Administration, on a message from His Excellency the Governor, a Bill authorizing Massachusetts Water Resources Authority to dispose of property in the Quincy Shipyard (printed in House, No. 5572, changed by inserting after section 2 the following section:

"SECTION 2A. The Massachusetts Water Resources Authority is directed to convey certain land in the city of Quincy for educational purposes with consideration to be negotiated between the city of Quincy and the Massachusetts Water Resources Authority.").

By the same member, for the same committee, on a petition, a Bill authorizing the Commissioner of the Department of Environmental Management to lease certain facilities (House, No. 5598).

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

Engrossed bills

*Relative to employment contracts for police chiefs (see Senate, No. 1918, amended);*

*Authorizing the town of Walpole to enter into a sewer rate agreement (see Senate, No. 2115);*

*(Which severally originated in the Senate);*

*Relative to bicycle and pedestrian access in construction of public ways (see House, No. 1940, amended);*

*Further regulating the penalty for entering a dwelling house in the nighttime and breaking and entering in the daytime (see House, No. 1971, amended);*

*Relative to certain elected officials in the town of Seekonk (see House, No. 5434);*

*Designating a certain bridge in the town of Braintree as the Lieutenant Gregory A. Principe and Sergeant Ernest J. DeCross Bridge (see House, No. 5480, changed);*

*Relative to the salaries of the members of the municipal light commission of the city of Peabody (see House, No. 5486, changed and amended);*

*Relative to complaints about dogs (see House, No. 5525); and*

*Relative to the Fire Prevention Association of Massachusetts, Inc. (see House, No. 5556);*

*(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.*

Mr. Hawke of Gardner then moved that as a mark of respect to the memory of Martin H. Walsh, a member of the House from Gardner from 1957 to 1966, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at eighteen minutes after eleven o’clock A.M., on motion of Mr. Brett of Boston (Mr. Cohen of Newton being in the Chair), the House adjourned, to meet on Wednesday 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:

Eternal God, on Thanksgiving Day and during this joyous season of the year, we give thanks for the spiritual and material gifts which You give to us. As a nation, we are one people united in placing our trust in You, in respecting the dignity of each person, and in caring for the needs of people who cannot care for themselves. Thanksgiving Day, a time of opening our hearts to others, reminds us of the oneness of the human family which You have created. Let the spirit of the day remain with us as we address the complex issues in our diverse society.

Grant Your blessings to the Speaker, to 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 Acting Governor — Bill Returned with Recommendation of Amendment.

A message from His Honor the Lieutenant Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to commission sales contracts [see House, No. 4245, changed] (for message, see House, No. 5672) was filed in the office of the Clerk on Monday, November 20.

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

Pending the question on adoption of the amendment recommended by His Honor, the bill was referred, on motion of Mr. Sullivan of Braintree, to the committee on Bills in the Third Reading.

Change in a Committee of Conference.

The Speaker announced that Mr. Poirier of North Attleborough had been relieved of duty (at his own request) from the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment of the House Bill relative to the revitalization and development of the Commonwealth's seaports and the
improvement of freight access within the Commonwealth (House, No. 5219); and that Mr. Gauch of Shrewsbury had been appointed to fill the existing vacancy.

Resolutions.

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

Resolutions filed by Representatives Creedon of Brockton, Canavan of Brockton and Kennedy of Brockton) congratulating Shirley Matta upon the occasion of the fortieth anniversary of the Matta Dance Academy;

Resolutions (filed by Mr. Guerriero of Melrose) congratulating Adam C. Craigie on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Jones of North Reading) congratulating Ethan H. Blaikie on the occasion of her one hundredth birthday; and

Resolutions filed by Mr. Kulik of Worthington) congratulating Christopher Henry Rohrs on receiving the Eagle Award of the Boy Scouts of America;

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

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Casey of Winchester, petition (accompanied by bill, House, No. 5673) of Patrick C. Guerriero, Paul C. Casey and Richard R. Tisei (by vote of the town) that the town of Stoneham be authorized to appoint two associate members to the conservation commission of said town;

By the same member, petition (accompanied by bill, House, No. 5674) of Patrick C. Guerriero, Paul C. Casey and Richard R. Tisei (by vote of the town) relative to the powers of the town administrator of the town of Stoneham; and

By Mr. Giglio of Medford, petition (accompanied by bill, House, No. 5675) of Anthony P. Giglio, Charles E. Shannon, J. James Marzilli, Jr., and Vincent P. Ciampa (with the approval of the mayor and city council) that the city of Medford be authorized to plant and trim trees on private ways;

Severally to the committee on Local Affairs.

By Mr. Honan of Boston, petition (accompanied by bill, House, No. 5676) of Kevin G. Honan and other members of the House (with the approval of the mayor and city council) that the city of Boston be authorized to grant a certain pension to Terrance D. Jones, a fire fighter of said city, as a result of injuries sustained while in the performance of his duties; and
By Mr. Rushing of Boston, petition (accompanied by bill, House, No. 5677) of Byron Rushing and other members of the House (with the approval of the mayor and city council) that the city of Boston be authorized to grant a certain pension to Darrell B. Johnson, a firefighter of said city, as a result of injuries sustained while in the performance of his duties:

Severally to the committee on Public Service.
Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Miss Barsom of Wilbraham (by request), petition (subject to Joint Rule 12) of John M. Lovejoy and others that the Division of Capital Planning and Operations be authorized to convey a certain parcel of land located in the town of Wilbraham to said town.

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey relative to further regulating the leasing and renting of motor vehicles.

By Ms. Chandler of Worcester, petition (subject to Joint Rule 12) of Harriette L. Chandler for legislation to authorize the Commissioner of Administration and Finance to conduct an investigation and study relative to the preparedness and capacity of the Commonwealth to effectively administer anticipated expanded federal grant funds.

By Mr. Hodgkins of Lee, petition (subject to Joint Rule 12) of Christopher J. Hodgkins and other members of the General Court for legislation to further regulate the issuance of firearms identification cards.

By Mr. Kafka of Sharon, petition (subject to Joint Rule 12) of Louis L. Kafka and other members of the General Court for legislation to further regulate "redlining" in the business of group automobile insurance.

By Ms. Kerans of Danvers, petition (subject to Joint Rule 12) of Sally P. Kerans relative to directing the State Retirement Board to grant a certain pension to Patricia Skane.

By Mr. Kujawski of Webster, petition (subject to Joint Rule 12) of Paul Kujawski and Louis P. Bertonazzi for legislation to designate a portion of Thompson Road in the town of Webster as the Stasia Czernicki Memorial Way.

By Ms. Lewis of Dedham, petition (subject to Joint Rule 12) of Maryanne Lewis for legislation to authorize the Trial Court of the Commonwealth to establish a sick leave bank for Jeanne Jeffery, an employee of said court.

By Mr. Lynch of Boston, petition (subject to Joint Rule 12) of Stephen F. Lynch that persons attending certain apprentice training programs be eligible for benefits under the employment and training law.

By Mr. McDonough of Boston, petition (subject to Joint Rule 12) of John E. McDonough relative to making certain technical changes in the laws regulating insurance brokers.
By Mrs. Menard of Somerset, petition (subject to Joint Rule 12) of Joan M. Menard, other members of the House and another for legislation to ensure quality care for elderly and disabled persons in nursing facilities.

By Mrs. Murray of Cohasset, petition (subject to Joint Rule 12) of Mary Jeanette Murray relative to towing charges for motor vehicles.

By Mr. Petrolati of Ludlow, petition (subject to Joint Rule 12) of Thomas M. Petrolati relative to property insurance policies.

By Mr. Poirier of North Attleborough, petition (subject to Joint Rule 12) of Kevin Poirier and others for legislation to prohibit the use of certain persons in the advertising of tobacco products and alcoholic beverages.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 12) of John F. Quinn and Mark C. Montigny for the issuance of a proclamation by the Governor designating the month of December, nineteen hundred and ninety-five as Dartmouth High School Marching Band Month.

By Mrs. Simmons of Leominster, petition (subject to Joint Rule 12) of Mary Jane Simmons and other members of the House for legislation to provide for the suspension or postponement of the issuance of motor vehicle licenses of persons convicted of graffiti.

By Mr. Stoddart of Natick, petition (subject to Joint Rule 12) of Douglas W. Stoddart relative to requiring optometrists to report certain cases of child abuse.

By Mr. Thompson of Cambridge, petition (subject to Joint Rule 12) of Alvin E. Thompson that chief conservators of the peace, deputy chief conservators of the peace and city solicitors be placed in Group 4 of the contributory retirement system.

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

**Papers from the Senate.**

A Bill relative to the special commission on public financing of political campaigns (printed as House, No. 5477, amended by striking out, in line 21, the words “and six” and inserting in place thereof the words “three persons to be appointed by the Speaker of the House of Representatives, three persons to be appointed by the President of the Senate, and three”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A petition of John R. Buckley, Robert J. Stone, Patricia Lawton, Marc R. Pacheco, Robert Kraus and William M. Straus for legislation to authorize the county commissioners of Plymouth County to purchase certain property located in the town of Middleborough, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Counties.
The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2132) was referred, in concurrence, to the committee on Counties.

Reports of a Committee.

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 message from His Excellency the Governor recommending legislation relative to streamlining the suspension of licenses held by delinquent child support obligors (House, No. 5631) as relates to revocation or suspension of professional, trade, business or recreational license for failure to provide support (Section 1),— and recommending that the same be referred to the committee on Taxation.

By the same member, for the same committee, asking to be discharged from further consideration of the residue of the message from His Excellency the Governor recommending legislation relative to streamlining the suspension of licenses held by delinquent child support obligors (House, No. 5631) as relates to suspension or revocation of certificate of registration of licenses, written notices, and suspensions without a hearing (Section 2),— and recommending that the same be referred to the committee on Public Safety.

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

Engrossed Bill.

The engrossed Bill regulating the possession and use of ferrets (see House, No. 295, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill providing for the appointment of the tax collector and the treasurer of the town of Charlemont (Senate, No. 2037), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Relative to the charter of the town of Truro (House, No. 5473); and

Establishing an infrastructure investment fund in the town of Winchendon (House, No. 5610, changed);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.
The House Bill providing for an alternative member on the building committee in the town of Provincetown (House, No. 5419, changed) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 1 by striking out the last sentence (previously inserted by change) as follows: "The board of selectmen shall attempt to include on the committee one attorney and one building contractor."

The amendment was adopted; and the bill (House, No. 5419, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Flaherty of Cambridge,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.; that, unless it be otherwise ordered, the hour of meeting of each week be on Monday and Thursday 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 designated informal sessions of the House.

Mr. Flaherty then moved that as a mark of respect to the memory of John Fitzgerald Kennedy, a member of the United States House of Representatives from the Eleventh Congressional District from 1947 to 1952, inclusive, a member of the United States Senate from 1953 to 1960, inclusive; and President of the United States from 1961 to 1963, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-two minutes after eleven o'clock A.M., on motion of Mr. Greene of Billerica (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.

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 depend upon Your guidance in addressing the issues of the times and in crafting reasonable public policy. Help us to comprehend today’s cultural and economic changes and to remain sensitive to the material and spiritual needs and concerns of the people. Grant us the courage to remain faithful to our philosophical and religious principles, and to accept Your precepts which give meaning to our lives and decisions. In Your kindness, grant us the wisdom and knowledge to cope with the day’s political challenges and conflicts.

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 Mr. Marini of Hanson) congratulating the Whitman-Hanson “Panthers” Boys cross country team, nineteen hundred and ninety-five Atlantic Coast League champions; and

Resolutions (filed by Mr. Poirier of North Attleborough) congratulating Carolyn Barrett on receiving the Arc Massachusetts Annual Distinguished Citizens Award;

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

Report.

A report of the Department of Transitional Assistance (under items 4403-2110, 4403-2120 and 4403-2130 of Section 2 of Chapter 60 of the Acts of 1994) relative to changes in regulations of the emergency assistance program, was placed on file.
Report of a Committee.

By Mr. Petrolati of Ludlow, for the committee on Public Service, on a recommitted petition, a Bill relative to the position of town accountant in the town of Billerica (House, No. 4691), which was read [Local Approval Received].

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

Engrossed Bill.

The engrossed Bill providing for the appointment of the tax collector and the treasurer of the town of Charlemont (see Senate, No. 2037) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

At nineteen minutes after eleven o'clock A.M., on motion of Mr. Haley of Weymouth (Mr. Cohen of Newton being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
Thursday, November 30, 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, we pause for a moment of prayer to recognize You as Our Creator and Ultimate Destiny. We depend upon Your assistance in our struggle to serve You and our constituents faithfully and conscientiously. Help us to build trust in You, in each other, and in our institutions. Grant us the patience to listen to the insights and experiences of others as we formulate public policy and propose needed legislation. Teach us to be faithful to our own philosophical, political and religious principles as we make our legislative decisions and choices.

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.

Appointment to a Special Commission.

The Speaker announced the appointment of Representative Lynch of Boston to serve on the special commission established (under Section 347 of Chapter 38 of the Acts of 1995) to make an investigation and study of the delivery of local government services in the Greater Boston area and to make recommendations for intermunicipal cooperative opportunities to increase the efficiency, effectiveness and quality of such services, and the responsiveness of government to the public.

Resolutions.

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

Dr. Allen Crocker.

Resolutions (filed by Speaker Flaherty of Cambridge) honoring Dr. Allen Crocker;

Claire Racine.

Resolutions (filed by Mr. Teague of Yarmouth) honoring Claire Racine upon her retirement from the Child Support Enforcement Division of the Department of Revenue;

Paul T. Cummings.

Resolutions (filed by Mr. DeFilippi of West Springfield) congratulating Paul T. Cummings on receiving the nineteen hundred and ninety-five Lifetime Achievement Award of the Home Builders Association of Greater Springfield;
Resolutions (filed by Ms. Flavin of Easthampton) on the occasion of Pearl Harbor Day in the Commonwealth;
Resolutions (filed by Ms. Kaprielian of Watertown) congratulating Police Chief Robert G. Kelland of the Watertown Police Department on the occasion of his retirement;
Resolutions (filed by Mr. Manning of Milton) honoring the Milton Firemen’s Relief Association;
Resolutions (filed by Messrs. Manning of Milton, Bellotti of Quincy and Galvin of Canton) honoring Doctor Lyn A. Huttunen upon her retirement as Superintendent of the Randolph Public Schools; and
Resolutions (filed by Mr. Stefanini of Framingham) congratulating Edgar C. Gadbois on the occasion of his retirement;
Mr. Serra of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Ms. Kaprielian, 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 Personnel Administrator for the Commonwealth (under Section 25(3) of Chapter 31 of the General Laws) transmitting notice relative to the revocation of the eligible list for fire captain and fire lieutenant in certain cities and towns, was placed on file.

Annual and Special Reports.

The annual report of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) containing a statement of condition of each state-chartered co-operative bank in the Commonwealth for the calendar year 1994; and
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 October, 1995;
Severally sent to the Senate for its information.

The annual report of the Department of the State Treasurer (under Section 65(4)(a) and (9) of Chapter 152 of the General Laws) relative to the Workers’ Compensation Special Fund and the Workers’ Compensation Trust Fund including a statement of revenues and disbursements of said funds for the fiscal year ending June 30, 1995, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:
By Mr. Casey of Winchester, petition (accompanied by bill, House, No. 5678) of Patrick C. Guerriero, Paul C. Casey and Richard R. Tisei (by vote of the town) relative to the regulation of dogs in the town of Stoneham. To the committee on Counties.
By Mr. Kollios of Millbury, petition (accompanied by bill, House, No. 5679) of Paul Kollios and Matthew J. Amorello (by vote of the town) that the town of Millbury be authorized to establish a sewer reserve account. To the committee on Local Affairs.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley and another for legislation to further regulate the issuance of medical certificates required for marriages.

By Mr. Lane of Holden, petition (subject to Joint Rule 12) of Harold M. Lane, Jr., for legislation to further regulate the issuance of junior motor vehicle operators licenses.

By Mrs. Simmons of Leominster, petition (subject to Joint Rule 12) of Mary Jane Simmons (with the approval of the mayor and city council of the city of Leominster) that said city be authorized to acquire a certain parcel of land in the city of Fitchburg.

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

Papers from the Senate.

The House Bill relative to the assault, abuse, neglect and financial exploitation of an elderly or disabled person (House, No. 1266, changed and amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2127.

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

A petition of Louis P. Bertonazzi and George N. Peterson, Jr. (by vote of the town) that provisions be made to include a certain parcel of land in Northbridge in the Blackstone River Valley National Heritage Park, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by resolve, Senate, No. 2134) was referred, in concurrence, to the committee on Natural Resources and Agriculture.

Reports of Committees.

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

Petition (accompanied by bill) of Joan M. Menard, other members of the House and another for legislation to ensure quality care for elderly and disabled persons in nursing facilities. To the committee on Human Services and Elderly Affairs.
Petition (accompanied by bill) of Thomas M. Petrolati (by vote of the town) relative to the Belchertown Economic Development and Industrial Corporation. To the committee on Local Affairs.

Petition (accompanied by bill) of Evelyn G. Chesky, Michael R. Knapi, Walter A. DeFilippi and another for legislation to authorize the Registrar of Motor Vehicles to issue distinctive motor vehicle plates to auxiliary police officers. To the committee on Public Safety.

Petition (accompanied by bill) of John F. Quinn and Mark C. Montigny for the issuance of a proclamation by the Governor designating the month of December, nineteen hundred and ninety-five as Dartmouth High School Marching Band Month. To the committee on State Administration.

Petition (accompanied by bill) of Paul Kujawski and Louis P. Bertonazzi for legislation to designate a portion of Thompson Road in the town of Webster as the Stasia Czernicki Memorial Way. To the committee on Transportation.

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

Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning sporting licenses, bovine growth, recycling and solid waste facilities and other environmentally related matters (House, No. 5273) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1350) of Joan M. Menard for legislation to further regulate the issuance of certain notices under the wetlands protection law,— and recommending that the same be recommitted to the committee on Natural Resources and Agriculture. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Herren of Fall River, for the committee on Energy, on House, No. 2510, an Order relative to authorizing the committee on Energy to make an investigation and study of a certain House document further regulating the sale of petroleum products (House, No. 5680).

By Mrs. Harkins of Needham, for the committee on Housing and Urban Development, on House, Nos. 5408 and 5594, an Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain House documents concerning the appointment of women and tenants to housing authorities (House, No. 5681).

By the same member, for the same committee, on House, No. 5553, an Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of a certain House document concerning rental subsidies for tenants in the town of Brookline (House, No. 5682).
By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on Senate, Nos. 1071, 1078 and 2060 and House, Nos. 945, 946, 1159, 1345, 2219, 2220, 2607, 3298 and 4939, an Order relative to authorizing the committee on Local Affairs to make an investigation and study of various Senate and House documents concerning planning and zoning, the awarding of contracts, occupancy permits, enterprise funds and other matters related to various cities and towns in the Commonwealth (House, No. 5683).

By Mr. Caron of Springfield, for the committee on Public Safety, on House, Nos. 5596 and 5597, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning construction of police and fire stations and increasing penalties for safety violations at railroad crossings (House, No. 5684).

By the same member, for the same committee, on House, No. 5654, an Order relative to authorizing the committee on Public Safety to make an investigation and study of a certain House document concerning an extension of the basic emissions program (House, No. 5685).

By the same member, for the same committee, on House, No. 5635, an Order relative to authorizing the committee on Public Safety to make an investigation and study of a certain House document concerning the inspection of elevators in owner-occupied single family residences (House, No. 5686).

By Mr. Hodgkins of Lee, for the committee on State Administration, on House, No. 5384, an Order relative to authorizing the committee on State Administration to make an investigation and study of a certain House document regulating the payment of compensation by the Commonwealth for the taking of private property (House, No. 5687).

By Mr. Cahir of Bourne, for the committee on Transportation, on House, No. 5511, an Order relative to authorizing the committee on Transportation to make an investigation and study of a certain House document concerning the posting of signs at forks and intersections of roadways (House, No. 5688).

By the same member, for the same committee, on House, No. 5605, an Order relative to authorizing the committee on Transportation to make an investigation and study of a certain House document concerning the designation of the South Station transportation center bus terminal in the city of Boston as the John J. "Happy" Coombs terminal (House, No. 5689).

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

Subsequently Mr. Serra of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.
At ten minutes after eleven o'clock A.M., on motion of Mr. Angelo of Saugus (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.