Monday, October 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:

Gracious God, we pause for this moment of prayer to ask for Your guidance as we begin a new legislative work week. Grant us the wisdom to recognize and to accept Your precepts and values in carrying out our personal and constitutional responsibilities. Teach us to listen to the insights and experiences of constituents and associates in formulating public policy and enacting legislation. Help us to keep in touch with the people, their needs, and the social challenges in our community. Guide our efforts to enable all people to achieve high civil and ethical standards.

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 recommending legislation relative to enacting the Tribal-State Compact between the Wampanoag Tribe of Gay Head (Aquinnah) and the Commonwealth of Massachusetts (House, No. 5518) was filed in the office of the Clerk on Friday, September 29.

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.

A message from His Excellency the Governor recommending legislation relative to establishing the Massachusetts gaming control act (House, No. 5519) was filed in the office of the Clerk on Friday, September 29.

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.

A message from His Excellency the Governor recommending legislation relative to establishing the Massachusetts gaming licensing and revenues act (House, No. 5520) was filed in the office of the Clerk on Friday, September 29.
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.

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 Fire Chief Thomas E. Hill on the occasion of his retirement from the Pembroke Fire Department;

Resolutions (filed by Messrs. Naughton of Clinton and McManus of Worcester) commemorating the seventy-fifth anniversary of the Harold N. Keith American Legion Post 204;

Resolutions (filed by Mrs. Sprague of Walpole) congratulating the Walpole Woman's Club on the occasion of its one hundredth anniversary;

Resolutions (filed by Messrs. Tolman of Boston and Kennedy of Brockton) honoring James F. McNulty, Jr., on the occasion of his seventieth birthday; and

Resolutions (filed by Mrs. Walrath of Stow) on the occasion of the fifth anniversary of the Hudson Area Arts Alliance;

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

Communication.

A communication from the Secretary of the Executive Office for Administration and Finance (under Section 3B of Chapter 7 of the General Laws) transmitting notice relative to the imposition of certain Registry of Motor Vehicle fees called for by line item 8400-0033 of Chapter 38 of the Acts of 1995, was placed on file.

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 Friday, December 1, 1995, within which to make its final report on current Senate document numbered 2043, a report of the special commission established for the purpose of making an investigation and study of methods of achieving universal health care coverage for residents of the Commonwealth; and on current House document numbered 5443, an Order relative to authorizing the committee on Health Care to make
an investigation and study of House document numbered 4928, increasing access to health care.

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. 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 Tuesday, October 31, 1995, within which to make its final report on current Senate document numbered 2040, relative to authorizing the conveyance of a certain parcel of state owned land to the town of Southborough to be used for cemetery purposes.

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 of Boston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

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 Friday, October 21, 1995, 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, 1815 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.

Bills

Authorizing and directing the city of Quincy retirement board to grant creditable service to Robert Crehan (Senate, No. 1909) (on a petition) [Local Approval Received];

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) (on House, No. 2897V);

Relative to the Wilkinsonville Water District (Senate, No. 1950) (on a petition); and

Relative to the abatement and refund of betterment assessments pursuant to the Hopkinton betterment assessments and sewer privilege fee by-law (Senate, No. 2008) (on a petition) [Local Approval Received];
Sanitary system inspectors.

Vicious dogs,— control.

Septic system installers,— licensing.

Upgrading of septic systems,— study.

Tewksbury,— land conveyance.

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.

A report of the committee on Local Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2017) of Jane M. Swift, Nancy H. Evans, Bruce E. Tarr and Richard R. Tisei for legislation relative to inspectors of sanitary sewerage disposal systems, and recommending that the same be referred to the committee on Natural Resources and Agriculture,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

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 Timothy J. Toomey, Jr., relative to vicious or nuisance creating dogs. Under suspension of Rule 42, on motion of Mr. Toomey of Cambridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Counties. Sent to the Senate for concurrence.

By Mr. Angelo of Saugus, for the committee on Government Regulations, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5159) of William C. Foster for legislation to authorize the Board of State Examiners of Plumbers and Gas Fitters to establish a procedure for the licensing of septic system installers,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

By Mr. Brett of Boston, for the committee on Taxation, on House, No. 5467, an Order relative to authorizing the committee on Taxation to make an investigation and study of a certain House document concerning property tax relief for the cost of upgrading septic systems in compliance with Title V regulations (House, No. 5502). 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. Finneran of Boston, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Planning and
Operations to convey a certain parcel of land in the town of Tewksbury (House, No. 443) ought to pass with an amendment substituting therefor a Bill authorizing the Division of Capital Planning and Operations to convey certain land in the town of Tewksbury (House, No. 5513).

By the same member, for the committee on Ways and Means, that the Bill authorizing the Division of Capital Planning and Operations to convey certain land in the city of Boston (House, No. 4833) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5514).

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

By Mr. Glodis of Worcester, for the committee on Election Laws, on House, No. 5475, a Bill further regulating the solicitation of campaign contributions in certain buildings (House, No. 5515).

By Mr. Angelo of Saugus, for the committee on Government Regulations, on House, No. 5446, a Bill allowing the sale of kosher wine on Sundays (House, No. 5516).

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on a petition, a Bill providing for a senior citizen safety road in the town of Dracut (House, No. 5244) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Carlisle to grant a certain conservation restriction (House, No. 5319) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the conservation commission of the town of Palmer to sell forest and agricultural products (House, No. 5322) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the city of Cambridge to transfer and sell certain water resource land in Waltham (House, No. 5394) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the increase of the membership of the board of selectmen of the town of Dudley (House, No. 5406, changed by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Upon passage of this act by the General Court, this measure shall go before the voters of the town at the next annual or special election.") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the Seekonk Water District (House, No. 5409).

By Mr. Petrolati of Ludlow, for the committee on Public Service, on a petition, a Bill clarifying group health coverage for certain public employees (House, No. 3749).

By the same member, for the same committee, on Senate, No. 1984 and House, No. 5389, a Bill authorizing the Commissioner of Public Safety to make certain appointments to the nineteen hundred and ninety-five State Police training class (House, No. 5517).
Northbridge,—
Floyd Convent Bridge.

By Mr. Cahir of Bourne, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Northbridge as the Floyd Convent Bridge (House, No. 5450).

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

Emergency Measure.

The engrossed Bill designating a certain portion of park and reservation land in the city of Boston as the Kathleen A. MacNiven Memorial Park (see House, No. 3917), 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 11 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill validating certain actions of the zoning board of appeals of the town of Lee (see House bill printed in House, No. 4796) (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
Designating a certain building on the grounds of Borderland State Park as the Lawrence Newcombe Visitors Center (see Senate, No. 1496) (which originated in the Senate);
Authorizing housing authorities to install, remove and maintain certain property of certain low income elderly tenants (see House, No. 553);
Further regulating the compensation of the Upper Blackstone Water Pollution Abatement District’s board members (see House, No. 1883);
Designating a certain bridge in the cities of Chelsea and Revere as the PFC Dennis J. Sullivan Memorial Bridge (see House, No. 4232, changed);
Relative to the administration of the West Barnstable Fire District (see House, No. 4850);
Designating a certain bridge in the city of Lowell as the Korean War Veterans Memorial Bridge (see House, No. 5004);
Establishing the office of treasurer-collector in the town of Whately (see House, No. 5120, changed and amended); and
Relative to access of certain public ways in the town of Montague (see House, No. 5352);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill authorizing the town of Lanesborough to prohibit certain heavy vehicle traffic from Partridge Road, Summer Street and Prospect Street (Senate, No. 1852), 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 a certain conservation restriction in the town of Nantucket (House, No. 5076) (its title having been changed by the committee on Bills in the Third Reading);
Validating the proceedings of the annual town election held in the town of Washington on June seventeenth, nineteen hundred and ninety-five (printed in House, No. 5412); and
Relative to the voting precincts in the town of Athol (House, No. 5417);
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 expedited betterment program for private road improvements on Nantucket Island (House, No. 5075) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.

Said committee reported recommending that the bill be amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:

"SECTION 1. Notwithstanding the provisions of section six N of chapter forty of the General Laws or any other general or special law to the contrary, the town of Nantucket is hereby authorized to make permanent repairs on private ways within its corporate and municipal limits including improvements to grading, drainage, paving, resurfacing and curbing and to adopt by-laws to carry out the provisions hereof.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket is hereby authorized to borrow, from time to time, such sums as may be necessary for the purpose of making repairs to private ways within said town. Each authorized issue shall be payable within twenty years from its date. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section ten of chapter forty-four of the General Laws, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four."
The amendment was adopted; and the bill (House, No. 5075, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill consolidating pension investments (House, No. 5268, amended) was considered.

Pending the question on passing the bill to be engrossed, Representatives Petrolati of Ludlow and Gardner of Holliston moved, there being no objection, that it be amended by inserting after section 8 the following section:

"SECTION 9. Subdivision (7) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—

(a) Expense Funds of the State Employees' Retirement System and the Teachers' Retirement System — The state board of retirement and teachers' retirement board shall each adopt annual budgets and supplemental budgets as deemed necessary by the boards. Said budgets shall be funded from the investment income account of each system without further appropriation. At least thirty days prior to the adoption of said budgets the boards shall file said budgets with the house and senate committees on ways and means and the joint committee on public service."

in section 10 by striking out, in lines 9 and 10, the words "and annuity reserve funds. Except for transfers to and from the annuity savings funds and annuity reserve" and inserting in place thereof the words "Annuity Reserve Funds and expense funds. Except for transfers to and from the Annuity Savings Funds, Annuity Reserve Funds and expense funds. Except for transfers to and from the Annuity Savings Funds, Annuity Reserve Funds and expense funds," in line 15, the words "expense funds", and by inserting after the word "systems", in line 51, the words "expense funds,"; in section 13 (as printed) by striking out, in lines 19 to 24, inclusive, the words "the ninth member shall be chosen by the other eight members of the board for a term of three years; provided that if the ninth member is not chosen by the other eight members within sixty days after the effective date of this act and thereafter after the expiration of the term of the ninth member, said member shall be appointed by the governor," and inserting in place thereof the words "and a representative of a public safety union who shall be appointed by the governor," and by striking out, in lines 27 and 28, the words "the other eight members of the board" and inserting in place thereof the words "the governor"; and in section 17 by striking out, in line 1, the words "July first" and inserting in place thereof the words "December thirty-first", by inserting after the word "funds", in line 4, the first time it appears, the word "or", by striking out, in line 4, the words "or expense funds", by striking out, in line 7, the words "or of either such system", and by striking out, in line 23, the words "or systems".

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

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Wagner of Chicopee, the House adjourned, to meet tomorrow at twelve o'clock noon.
Tuesday, October 3, 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, we place our trust in You, Our Creator. We believe that You have a personal interest in each one of us and that we live every moment of the day in Your presence. We also believe that You have given us precepts to guide our decision-making process, and standards to follow to achieve happiness, and to reach our ultimate destiny. We join, in spirit, the Jewish Community in observing Yom Kippur, a special day of prayer, fasting and atonement for sin. Let the religious spirit of this day fill our hearts and minds and deepen our religious commitment to You, Your precepts and Your ways.

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 providing for an accelerated transportation development and improvement program for the Commonwealth (House, No. 5523) was filed in the office of the Clerk on Monday, October 2.

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

Statement Concerning Representative McIntyre 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 McIntyre of New Bedford, will not be present in the House Chamber for 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.
Statement of Representative Voke 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 three of our colleagues, Representatives Donovan of Woburn, Khan of Newton and Resor of Acton will not be present in the House Chamber for today's sitting due to official legislative business in Washington, D. C. Any roll calls that they 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. DeFilippi of West Springfield) congratulating Lieutenant Richard A. Borgatti on the occasion of his retirement from the West Springfield Fire Department;

Resolutions (filed by Mr. Klimm of Barnstable) congratulating Patricia A. Packer on the occasion of her retirement;

Resolutions (filed by Mr. Poirier of North Attleborough) congratulating the Plainville Fire Department on the occasion of its being awarded a citation for bravery; and

Resolutions (filed by Mrs. Sprague of Walpole) congratulating Doctor Victor R. Popeo, M. D., on being named the nineteen hundred and ninety-five recipient of the "Man of the Year" Award by the friends of Christopher Columbus;

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. Klimm, 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. 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 Senate document numbered 2038, relative to veterans benefits; and on current House documents numbered 5371, relative to the effect of privatization on the delivery of human services; and 5499, relative to the preservation of families and the care and protection of children.
Mr. Vokey of Boston, for the committees on Rules, reported that
the order ought to be adopted. Under suspension of Rule 42, on
motion of Mr. Kollos, the order was considered forthwith; and it
was adopted. Sent to the Senate for concurrence.

Petitions.

Mr. Cousins of Newburyport presented a petition (accompanied
by bill, House, No. 5524) of Frank G. Cousins, Jr., and James P.
Jajuga (with the approval of the mayor and city council) for legislation
to authorize certain residents of the city of Newburyport to vote
in all elections at the Plum Island Taxpayers Association building
located in the town of Newbury; and the same was referred to the
committee on Election Laws. Sent to the Senate for concurrence.

Mr. Hargraves of Groton presented a petition (subject to Joint
Rule 12) of Robert S. Hargraves, Daniel P. Leahy and James P.
Jajuga relative to the retirement of Richard E. Martin of Pepperell,
an employee of the Department of State Police; and the same was
referred, under Rule 24, to the committee on Rules.

Mr. Vokey of Boston, for the committee on Rules and the commit-
tees 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. Hargraves, the report was considered
forthwith. Joint Rule 12 was suspended; and the petition (accompa-
nied by bill) was referred to the committee on Public Service. Sent
to the Senate for concurrence.

Papers from the Senate.

The House Bill increasing the minimum wage for certain
employees (House, No. 5153) came from the Senate passed to be
engrossed, in concurrence, with the following amendments:

In section 1 adding at the end thereof the following paragraph:
“A wage of four dollars and twenty-five cents per hour shall be
the minimum wage in an amusement park containing a permanent
aggregation of amusement devices, games, shows, and other attrac-
tions operated during a period or accumulated periods not in excess
of one hundred and fifty days in any one year.”;

In section 2 adding at the end thereof the following paragraph:
“A wage of four dollars and twenty-five cents per hour shall be
the minimum wage in an amusement park containing a permanent
aggregation of amusement devices, games, shows, and other attrac-
tions operated during a period or accumulated periods not in excess
of one hundred and fifty days in any one year.”;

Striking out section 5 and inserting in place thereof the following
section:

“SECTION 5. Sections one and three shall take effect on January
first, nineteen hundred and ninety-six and section two shall take
effect on January first, nineteen hundred and ninety-seven.”; and
Adding at the end thereof the following section:

"SECTION 6. In the event the Federal government alters its definition of minimum wage, the Massachusetts legislature shall meet within 90 days of the passage of any such Federal law, to determine whether Chapter 151 of the Massachusetts General Laws and any other laws pertaining to the minimum wage should be revised."

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendment in section 5; concur with the Senate in its amendment in section 6 with a further amendment by striking out said section 6 (as inserted by amendment by the Senate) and inserting in place thereof the following:

"SECTION 6. In the event the federal government changes its definition of minimum wage, the commissioner of labor and industries is hereby authorized and directed to review any such changes, to determine whether chapter one hundred and fifty-one of the General Laws or any other laws of the commonwealth pertaining to the minimum wage should be amended, and to report to the general court, within ninety days of the passage of any such federal law, the results of his review and his recommendations, if any, together with drafts of legislation necessary to carry his recommendations into effect by filing the same with the clerk of the house of representatives within said ninety days."; and non-concur with the Senate in its amendments in section 1 and in section 2. The report was accepted.

The House then concurred with the Senate in its amendment in section 5; concurred with a further amendment in section 6; and non-concurred in its amendments in section 1 and in section 2.

Sent to the Senate for its action.

The House Bill relative to business organizations in the Commonwealth (House, No. 4045, changed and amended) came from the Senate passed to be engrossed, in concurrence, with the following amendment:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2049.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with further amendments 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 author-
ized to executive 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 identity of any and all managers 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.

"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 by striking out section 20A (inserted by amendment by the Senate).

The further amendments were adopted.

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

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 Taxation be granted until Wednesday,
November 15, 1995, within which to make its final report on current Senate document numbered 2046, to provide tax relief for property owners affected by Title V.

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

A report of the committee on Government Regulations, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1906) of Michael W. Morrissey for legislation relative to plumbing and gas inspectors, and recommending that the same be referred to the Senate committee on Ways and Means,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the discharge of the committee.

A petition of Michael C. Creedon (by vote of the town) for legislation to authorize the town of Abington to exempt certain part-time elected officials from receiving health insurance and retirement benefits, 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. 2052) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Mr. Flaherty of Cambridge, for the committee on Rules, on the Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning industrial and mercantile establishments, consumer protection, employment and labor and other related matters (House, No. 5468) reports, in part, a Bill relative to unemployment insurance (House, No. 3085), which was read.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Representatives Teague of Yarmouth, Lewis of Bridgewater, Peters of Charlton and Coon of Andover moved, there being no objection, that it be amended by substitution of a Bill to streamline the unemployment insurance program, 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 Mr. Teague; and on the roll call 32 members voted in the affirmative and 114 in the negative.

[See Yea and Nay No. 225 in Supplement.]

Therefore the amendment was rejected.

Subsequently Mr. Cahill of Beverly 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 was not informed that a roll call was in progress. Had I been present when the vote was taken, I would have voted in the negative.

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

The bill then was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Bosley, 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. Mr. Cabral of New Bedford moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House No. 3085) then was sent to the Senate for concurrence.

By Mr. Caron of Springfield, for the committee on Public Safety, on Senate, No. 2041 and House, No. 5464, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents concerning the issuance of registration plates to recipients of the Purple Heart who were former prisoners of war and providing for violence prevention education for children (House, No. 5522). 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. Angelo of Saugus, for the committee on Government Regulations, on part of House, No. 2367 (as relates to section 1), a Bill relative to the operations of the State Lottery Commission (House, No. 5521).

By Mr. McDonough of Boston, for the committee on Health Care, on a petition, a Bill regarding a specialized health care facility for the homeless (House, No. 5478);

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

Emergency Measure.

The engrossed Bill relative to recommendations for legislation (see House, No. 5496), 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 17 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill designating a certain portion of park and reservation land in the city of Boston as the Kathleen A. MacNiven Memorial Park (see House, No. 3917) (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

Authorizing the town of Lanesborough to prohibit certain heavy vehicle traffic from Partridge Road, Summer Street and Prospect Street (see Senate, No. 1852) (which originated in the Senate); and Relative to the zoning of antenna structures used by federally licensed amateur radio operators (see House, No. 2782, 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.

Mr. Serra of Boston being in the Chair,—

House bills

Relative to child passenger restraints in motor vehicles (House, No. 5301); and Relative to the use of plowing equipment on motor vehicles (House, No. 5497):

Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Relative to the oath of office for a state police officer (House, No. 219); Further regulating the use of automatic sprinklers in certain buildings (House, No. 2435) (its title having been changed by the committee on Bills in the Third Reading); Relative to expanded insurance coverage for certain government employees (House, No. 2650, changed and amended) (its title having been changed by the committee on Bills in the Third Reading); Authorizing the town of Lynnfield to lease certain property (House, No. 5136); Relative to property tax bills in the town of Lexington (House, No. 5142); Relative to court and probation officers (House, No. 5162) (its title having been changed by the committee on Bills in the Third Reading);
Relative to the maturities of certain school debt (House, No. 5185); and
Relative to the civil service appointment of certain police officers and firefighters (House, No. 5463, amended) (its title having been changed by the committee on Bills in the Third Reading);
Severally reported 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 further regulating state police promotional exams (House, No. 5302) (its title having been changed by the committee on Bills in the Third Reading) was read a third time.
Said committee reported recommending that the bill be amended by striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Said section 26 of said chapter 22C, as so appearing, is hereby further amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:—
In ranking members for the purpose of promotion to a title below that of lieutenant, such factors for promotion shall be weighted as follows: written examination, fifteen; and longevity, five.".
The amendment was adopted; and the bill (House, No. 5302, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Authorizing and directing the city of Quincy retirement board to grant creditable service to Robert Crehan (Senate, No. 1909);
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);
Relative to the Wilkinsonville Water District (Senate, No. 1950); and
Relative to the abatement and refund of betterment assessments pursuant to the Hopkinton betterment assessments and sewer privilege fee by-law (Senate, No. 2008); and

Clarifying group health coverage for certain public employees (House, No. 3749);
Providing for a senior citizen safety road in the town of Dracut (House, No. 5244);
Authorizing the town of Carlisle to grant a certain conservation restriction (House, No. 5319);
Authorizing the conservation commission of the town of Palmer to sell forest and agricultural products (House, No. 5322);
Authorizing the city of Cambridge to transfer and sell certain water resource land in Waltham (House, No. 5394);
Relative to the increase of the membership of the board of selectmen of the town of Dudley (House, No. 5406, changed); Relative to the Seekonk Water District (House, No. 5409); Designating a certain bridge in the town of Northbridge as the Floyd Convent Bridge (House, No. 5450); Further regulating the solicitation of campaign contributions in certain buildings (House, No. 5515); and Allowing the sale of kosher wine on Sundays (House, No. 5516); Severally were read a second time; and they were ordered to a third reading.

The House Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land in the town of Tewksbury (House, No. 443) 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 authorizing the Division of Capital Planning and Operations to convey certain land in the town of Tewksbury (House, No. 5513),— 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 certain land in the city of Boston (House, No. 4833) 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. 5514),— was adopted. The substituted bill then was ordered to a third reading.

The House Bill to amend the Massachusetts adoption law to facilitate the adoption of children in the Commonwealth (House, No. 5243) 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, further consideration thereof was postponed, on motion of Mr. Cohen of Newton, until after disposition of the remaining matters in the Orders of the Day.

The House Bill providing for law enforcement officers to request a breathalyzer or blood test at certain accident scenes (House, No. 5339) was considered. Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Public Safety, on motion of Mr. Caron of Springfield.

The House Bill authorizing the Commissioner of Public Safety to make certain appointments to the nineteen hundred and ninety-five State Police training class (House, No. 5517) was read a second time.
Pending the question on ordering the bill to a third reading, Messrs. Brewer of Barre and Landers of Palmer moved, there being no objection, that it be amended by striking out, in lines 10 and 11, the words “one hundred and twenty” and inserting in place thereof the words “one hundred and eighty”.

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Brewer, 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. The bill (House, No. 5517, amended) then was sent to the Senate for concurrence.

The House Bill requiring certain camps to provide certified lifeguards (House, No. 3993) was considered.

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

Order.

The Speaker having returned to the Chair,—

On motion of Mr. Serra of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next (October 5) at eleven o'clock A.M.; when the House adjourns on Thursday, it adjourn to meet on Tuesday (October 10) at eleven o'clock A.M.; when the House adjourns on Tuesday, it adjourn to meet on the following Wednesday (October 11) at eleven o'clock A.M.; when the House adjourns on Wednesday, it adjourn to meet on the following Thursday (October 12) at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of Calendars for the sittings of Thursday, October 5, Tuesday, October 10 and Thursday, October 12.

Mr. Brett of Boston then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at fourteen minutes after two o'clock P.M. (the Speaker being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
Thursday, October 5, 1995.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Voke 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 believe that You have created us, endowed us with intelligence and free will, and provided us with an eternal destiny. We also believe that we are members of the one human family, with the same human rights, and with the same personal responsibilities. As we celebrate Columbus Day, we thank You for the blessings and opportunities which we enjoy as citizens of this new land. Teach us to be grateful to all who have gone before us and have made our opportunities possible. Direct our thoughts and actions so that we may live in peace and security in our communities and address the new challenges of these changing times.

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

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

Appointments to a Special Committee of the House.

The Speaker announced the appointment of Representatives Serra of Boston, Haley of Weymouth, Kollios of Millbury, McIntyre of New Bedford, Caron of Springfield, Gardner of Holliston and DeFilippi of West Springfield to serve on the special committee of the House authorized (under the provisions of 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.

Appointments to a Special Commission.

The Speaker announced the appointment of Representatives Flaherty of Cambridge, Hynes of Marshfield, Manning of Milton, Rushing of Boston, Brewer of Barre, Donovan of Woburn, Canavan of Brockton, Greene of Billerica, Lane of Holden, Hawke of Gardner and Hyland of Foxborough to serve on the special commission established (under Chapter 1 of the Resolves of 1995) to make an investigation and study of devising plans for the observance of certain centennial and bicentennial celebrations relative to the State House.
Resolutions.

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

Resolutions (filed by Speaker Flaherty of Cambridge and Messrs. Thompson of Cambridge and Toomey of Cambridge) honoring John "Jackie" Flynn;

Resolutions (filed by Messrs. Cabral of New Bedford, Koczera of New Bedford, McIntyre of New Bedford, Quinn of Dartmouth and Straus of Mattapoisett) commending Tina Ponte of New Bedford for exemplary service to the United Auto Workers and the community;

Resolutions (filed by Mr. Cresta of Wakefield) congratulating the Crystal Community Club on the occasion of its fiftieth anniversary;

Resolutions (filed by Mr. Cresta of Wakefield) congratulating Deerfield Senior Services on the grand opening of their newest center in the town of Wakefield;

Resolutions (filed by Mr. Cresta of Wakefield) congratulating Brendon Edward Mason on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Jehlen of Somerville) on the occasion of the Elizabeth Peabody House centennial;

Resolutions (filed by Ms. Kaprielian of Watertown) congratulating Mr. and Mrs. Paul DiLuzio on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Mr. Swan of Springfield) congratulating Reverend Talbert W. Swan on the fifteenth anniversary of the founding of the Spring of Hope Church of God in Christ; and

Resolutions (filed by Mr. Vallee of Franklin) congratulating Mr. and Mrs. Earl E. Robbins, Sr., on the occasion of their seventieth wedding anniversary;

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

Petitions.

Mr. Kulik of Worthington presented a petition (subject to Joint Rule 12) of Stephen Kulik and other members of the General Court for legislation to establish a separate fund to be known as the western Massachusetts environmental trust fund; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Voke of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of Rule 42, on motion of Mr. Kulik, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture. Sent to the Senate for concurrence.
Petitions severally were presented and referred as follows:

By Mr. Cresta of Wakefield, petition (subject to Joint Rule 12) of Brian M. Cresta, relative to political activities of state employees.

By Mr. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Paul Rice, Jr., and Brian S. Dempsey relative to commercial automobile insurance premiums.

By Mr. Fagan of Taunton, petition (subject to Joint Rule 12) of James H. Fagan, Joan M. Menard and Marc R. Pacheco relative to the dispensing of motor fuel to handicapped and disabled persons by operators of self service gasoline stations.

By the same member, petition (subject to Joint Rule 12) of James H. Fagan for legislation to define semipublic outdoor inground swimming pools.

By Mr. Fennell of Lynn, petition (subject to Joint Rule 12) of Robert F. Fennell and Thomas M. McGee relative to written examinations for the licensing of auctioneers.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes and M. Joseph Manning relative to cardiopulmonary resuscitation training for public school personnel.

By Mr. Kelly of Dalton, petition (subject to Joint Rule 12) of Shaun P. Kelly, Michael R. Knapik, Brian P. Lees and Jane M. Swift for legislation to establish a separate fund to be known as the western Massachusetts environmental trust fund.

By Mr. Kennedy of Brockton, petition (subject to Joint Rule 12) of Thomas P. Kennedy and Christine E. Canavan (with the approval of the mayor and city council) for legislation to authorize the city of Brockton to convey the Armory Building to the Boys and Girls Club of Brockton.

By Ms. Resor of Acton, petition (subject to Joint Rule 12) of Pamela P. Resor relative to workers’ compensation.

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

Papers from the Senate.

The House Order relative to extending until Wednesday, November 15, 1995, the time within which the committee on Education, Arts and Humanities 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 following: “Wednesday, November 15, 1995” and inserting in place thereof the following: “Friday, October 27, 1995”.

Under suspension of Rule 35, on motion of Mrs. Owens-Hicks of Boston, the amendment was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

By Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Jacqueline Lewis
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 benefits for public employees and other related matters (House, No. 5017) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1370) of John C. Klimm relative to directing the State Retirement Board to grant a certain pension to Margaret E. Crocker,— and recommending that the same be referred to the committee on Ways and Means.

The same member, for the same committee, 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, Senate, No. 1176) of Bruce E. Tarr, Ellen Story, Shaun P. Kelly, Patrick F. Landers III, other members of the General Court and another for legislation to require local approval for low level radioactive waste sites; and

Of the petition (accompanied by bill, Senate, No. 1553) of W. Paul White, Robert A. Havern and other members of the General Court for legislation relative to granting certain easements to the Massachusetts Water Resources Authority for the extension of the Metro-West water supply; and

Of the petition (accompanied by bill, House, No. 3976) of Sally P. Kerans, Frederick E. Berry, Michael P. Cahill, Douglas W. Petersen and J. Michael Ruane relative to establishing a citizens advisory committee of the South Essex Sewerage District;

The same member, for the same committee, 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 the environment, pollution, conservation, hunting and fishing, waste disposal, farming and other related matters (House, No. 5452) reports, in part, asking to be discharged from further consideration.

Of the petition (accompanied by bill, House, No. 582) of M. Joseph Manning relative to the inspection and approval of milk plants, receiving stations and pasteurization plants; and

Of the petition (accompanied by bill, House, No. 583) of M. Joseph Manning relative to the licensing of milk pasteurization plants located within the Commonwealth; and
Of the petition (accompanied by bill, House, No. 1167) of Stephen M. Brewer and another for legislation to permit the use of crossbows by certain handicapped persons;

And recommending that the same severally be recommitted to the committee on Natural Resources and Agriculture.

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

Engrossed Bill.

The engrossed Bill relative to recommendations for legislation (see House, No. 5496) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency pre-amble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Establishing a sick leave bank for Mary Conneely-Celi, an employee of the Department of Social Services (House, No. 5161);

Authorizing the city of Cambridge to transfer and sell certain water resource land in the city of Waltham (House, No. 5394) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the Seekonk Water District (House, No. 5409); and

Designating a certain bridge in the town of Northbridge as the Floyd Convent Bridge (House, No. 5450);

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 engrossed Bill further regulating the membership of the Higher Education Coordinating Council (see House, No. 1489, amended) (which had been returned to the House by His Excellency the Governor with recommendation of an amendment) (for message, see House, No. 5390), was considered.

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

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

"SECTION 1. Section 277 of chapter 60 of the acts of 1994 is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection (j):—

(j) The corporation shall not exercise any of the following powers, duties, actions, responsibilities or authorities in the absence of review and comment by the inspector general of the commonwealth, which review and comment shall be provided within two
weeks of submission by the corporation of a plan setting forth the
power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in
excess of one hundred thousand dollars by the corporation; pro-
vided, however, that the corporation is authorized to enter into those
contracts necessary to acquire the site, without further  review by the
inspector general, but pursuant to a memorandum of understanding
with the secretary of administration and finance with respect to
the acquisition, renovation, operation, and potential disposition of
the site:

(2) borrowing monies such that the outstanding amount of monies
borrowed by the corporation exceed one hundred thousand dollars;

(3) entering into a contract requiring the sale of any asset of the
corporation purchased with monies appropriated by the common-
wealth; and

(4) entering into a contract requiring the sale of all or substantially
domestic, and by inserting before the enacting clause the
following emergency preamble:

The corporation shall submit annually an audited financial
statement to the house and senate committees on ways and means.

SECTION 2. Section 125 of chapter 273 of the acts of 1994 is
hereby amended by striking out subsection (j) and inserting in place
thereof the following subsection:

(j) The corporation shall not exercise any of the following
powers, duties, actions, responsibilities or authorities in the absence
of review and comment by the inspector general of the common-
wealth, which review and comment shall be provided within two
weeks of submission by the corporation of a plan setting forth the
power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in
excess of one hundred thousand dollars by the corporation; pro-
vided, however, that the corporation is authorized to enter into those
contracts necessary to acquire the site, without further  review by the
inspector general, but pursuant to a memorandum of understanding
with the secretary of administration and finance with respect to
the acquisition, renovation, operation, and potential disposition of
the site:

(2) borrowing monies such that the outstanding amount of monies
borrowed by the corporation exceed one hundred thousand dollars;

(3) entering into a contract requiring the sale of any asset of the
corporation purchased with monies appropriated by the common-
wealth; and

(4) entering into a contract requiring the sale of all or substantially
all of the assets of the corporation.

The corporation shall submit annually an audited financial
statement to the house and senate committees on ways and means.
"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate the authority of the inspector general or review certain actions of certain college assistance corporations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Pending the question on adoption of the amendments, Messrs. Petrolati of Ludlow and Scibelli of Springfield moved, there being no objection, that they be amended by inserting after section 1 the following section:

"SECTION 1A. Said Section 277 of said chapter 60 is hereby further amended by adding after subsection (k) the following subsection:

(1) The inspector general in carrying out the provisions of this subsection shall have access to all the corporation’s records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this subsection, except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six. He may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this subsection. Upon receipt of such request the person in charge of the corporation’s governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six. He may make such investigations, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds. He shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this subsection. He may request the production, on a voluntary basis, of testimony or documents from any individual firm or non-governmental entity which relate to his duties and responsibilities under this subsection.

The inspector general may require by summons, the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to the
provisions of this subsection except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six.

Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all provisions of law relative to said summons shall apply to a summons issued pursuant to this subsection. Any justice of the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid in the same manner and to the same extent as before said superior court department. Any failure to obey such order may be punished by said court as contempt.

Any summons issued pursuant to this section shall not be made public by the inspector general or any officer or employee of his department, nor shall any documents provided pursuant to this section be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this subsection.

The production of such books and papers pursuant to summons shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance, and testimony may be made to such members of the staff of the office of inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this subsection and such members of the staff may be present at the production of records.”; and by adding of the end thereof the following section:

“SECTION 3. Said Section 125 of said chapter 273 is hereby further amended by adding the following subsection:—

(e) The inspector general in carrying out the provisions of this subsection shall have access to all the corporation’s records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this subsection, except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six.

He may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this subsection. Upon receipt of such request the person in charge of the corporation’s governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated pur-
chase of services from any contractor by the corporation except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six. He may make such investigations, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds.

He shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this subsection. He may request the production, on a voluntary basis, of testimony or documents from any individual firm or non-governmental entity which relate to his duties and responsibilities under this subsection.

The inspector general may require by summons, the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to the provisions of this subsection except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six.

Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all provisions of law relative to said summons shall apply to a summons issued pursuant to this subsection. Any justice of the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid in the same manner and to the same extent as before said superior court department. Any failure to obey such order may be punished by said court as contempt.

Any summons issued pursuant to this section shall not be made public by the inspector general or any officer or employee of his department, nor shall any documents provided pursuant to this section be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this subsection.

The production of such books and papers pursuant to summons shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance, and testimony may be made to such members of the staff of the office of inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this subsection and such members of the staff may be present at the production of records.”.

The further amendments were adopted.

The amendments recommended by His Excellency the Governor, in the form approved by the committee on Bills in the Third
Reading, as amended, then also were adopted. Sent to the Senate for concurrence.

At seventeen minutes after eleven o’clock A.M., on motion of Ms. Donovan of Woburn (Mr. Voke of Boston being in the Chair), the House adjourned, to meet on Tuesday next at eleven o’clock A.M., in an Informal Session.
Tuesday, October 10, 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:

God, Our Creator, we depend upon You for the wisdom and courage to serve both You and constituents conscientiously. Help us to remain faithful to Your precepts, our ideals and our constitutional responsibilities. Guide our efforts to strengthen our institutions, including our families and our governmental agencies. Teach us to accept our personal, family and civic obligations so that we will enjoy peace in our pluralistic society and diverse communities. Let us learn from the successes and failures of predecessors in their quest for excellence and fairness in governing.

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.

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to further regulating simulcast wagering (House, No. 5530) was filed in the office of the Clerk on Friday, October 6.

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.

A message from His Excellency the Governor recommending legislation relative to further regulating pari-mutuel racing (House, No. 5531) was filed in the office of the Clerk on Friday, October 6.

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.

A message from His Excellency the Governor recommending legislation relative to trust funds and take-out structures for pari-mutuel racing (House, No. 5532) was filed in the office of the Clerk on Friday, October 6.

The message was read; and it was referred, under Rule 30, which the accompanying draft of a bill, to the committee on Government Regulations. Sent to the Senate for concurrence.
Representative-elect Ronald N. Whitney of Abington—qualification.

The Speaker announced the appointment of Representatives Lewis of Bridgewater, Teague of Yarmouth, Canavan of Brockton, O’Brien of Hanover, Teagan of Plymouth and Marini of Hanson as a special committee of the House to conduct Ronald N. Whitney of Abington, member-elect from the Seventh Plymouth District, to the Council Chamber to be qualified on Wednesday, October 11.

Resolutions.

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

- Resolutions (filed by Messrs. Voke of Boston, DeLeo of Winthrop and Reinstein of Revere) memorializing Donna Bianchi;
- Resolutions (filed by Mr. Kennedy of Brockton) commending Anthony Francis Cahill of Brockton for his heroic actions;
- Resolutions (filed by Mr. Kennedy of Brockton) congratulating Luke Leo LaCroix on receiving the Eagle Award of the Boy Scouts of America;
- Resolutions (filed by Mr. Kennedy of Brockton) commending Ramiro "Junior" Martins of Brockton for his heroic actions;
- Resolutions (filed by Mr. Kennedy of Brockton) commending Sean Brian Murphy of Brockton for his heroic actions;
- Resolutions (filed by Representatives LeLacheur of Lowell, Cleven of Chelmsford, Garry of Dracut, Golden of Lowell, Miceli of Wilmington and Panagiotakos of Lowell) commending Community Teamwork, Inc., for its thirty years of building a better community; and
- Resolutions (filed by Mrs. Sprague of Walpole) congratulating Carl C. Aiello on the occasion of his installation as State Commander of the Veterans of Foreign Wars of the United States;

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. 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 Thursday, November 16, 1995, within which to make its final report on current House documents numbered 5490, 5518, 5519 and 5520.

Mr. Voke of Boston, for the committees on Rules, 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.
Special Reports.

Reports

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

Of the Department of Public Health (under Section 20 at Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Judge J. Connelly Youth Center, Care Intake, located in the city of Boston;

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Massachusetts Correctional Institution Pre-release Center located in the city of Boston;

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 Franklin County Jail and House of Correction located in the town of Greenfield; and

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

Severally sent to the Senate for its information.

Papers from the Senate.

The engrossed Bill relative to the pension rights of certain call fire fighters (see House, No. 4704, amended) came from the Senate with the following amendments:

In section 2 (as engrossed) striking out, in lines 12 and 13, the words "The pension of such person so retired shall be based on two-thirds of the average amount" and inserting in place thereof the words "A person so retired shall receive an annual pension equal to two-thirds of the average annual salary"; and adding at the end thereof the following section:

"SECTION 3. Section 101 of said chapter 32, as appearing in the 1994 Official Edition, is hereby amended by striking out, in line 8, the word 'three' and inserting in place thereof the word:—six.'".

Under suspension of Rule 35, on motion of Mrs. Walrath of Stow, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) were considered forthwith, and they were adopted, in concurrence.

The House Bill relative to authorizing the city of Newburyport to convey certain land (House, No. 5325) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 1 striking out, in line 7, the figures "106" and inserting in place thereof the figures "92"; and in section 3 striking out, in line 6, the figures "1955" and inserting in place thereof the figures "1995".
Under suspension of Rule 35, on motion of Mr. Cousins of Newburyport, 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.

Bills

Authorizing city or town municipally owned school vehicles to transport community groups (Senate, No. 320) (on a petition);

Relative to secondary metals (Senate, No. 1204, amended by adding at the end thereof the following:

“(4) Any purchase of regulated materials by a secondary metals recycler in which consideration of two hundred and fifty dollars or more is granted shall be paid by check only.

Section 3. During the usual and customary business hours of the secondary metals recycler, a law enforcement official who properly identifies him or herself as a law enforcement official shall have the right to inspect:

(a) Any and all purchased regulated materials in the possession of the secondary metals recycler; and

(b) Any and all records required to be maintained by the secondary metals recycler in compliance with this chapter.

Section 4. Whenever a law enforcement officer has reasonable cause to believe that certain items of regulated materials in the possession of a secondary metals recycler have been stolen, the law enforcement officer may issue a hold notice to the purchaser.

The hold notice shall be in writing or by telephone to be followed up in writing within twenty-four hours, shall be delivered to the secondary metals recycler, shall specifically identify those items of regulated materials that are believed to have been stolen and that are subject to the notice, and shall inform the secondary metals recycler of the information contained in this section.

Upon receipt of the notice issued in accordance with this section, the secondary metals recycler receiving the notice may not process or remove items of regulated materials identified in the notice, or any portion thereof, from the place of business for two business days from the receipt of the notice by the secondary metals recycler, unless sooner released by a law enforcement official.

Upon the expiration of this hold period, a law enforcement officer may issue a second hold notice for an additional two business days. Failing such an extension, or at the end of the duly authorized hold period, the hold is automatically released and the secondary metals recycler may dispose of the regulated materials unless claimed by the rightful owner or other disposition has been ordered by a court of competent jurisdiction.

Section 5. This act shall not apply to purchases of regulated metal property from:

(a) Organizations, corporations, or associations registered with the state as charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school sponsored organizations or associations or from any nonprofit corporations or associations.
(b) A law enforcement official acting in an official capacity.
(c) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof of such status to the secondary metals recycler.
(d) Any public official acting under judicial process or authority who has presented proof of such status to the secondary metals recycler.
(e) A sale on the execution, or, by virtue of any process issued by a court, if proof thereof has been presented to the secondary metals recycler.
(f) A manufacturing, industrial, or other commercial vendor that collects, sells, or takes delivery of recyclables for the purposes of recycling in the ordinary course of its business.

Section 6. When a lawful owner recovers stolen regulated materials from a secondary metals recycler who has complied with the provisions of this chapter, and the person who sold the regulated materials to the secondary metals recycler is convicted of theft, a violation of this act, or of receiving stolen property, the court shall order the defendant to make full restitution to the purchaser, including without limitation, attorney’s fees, court costs, and other expenses.

Section 7. (1) It shall be unlawful for any person or entity:
(a) to reuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this chapter;
(b) to refuse an entry into any premises for any inspection authorized by this chapter;
(c) to furnish false or fraudulent material information on, or omit any material from, any application, report, or other document required to be kept or filed under this chapter. Whoever violates the provisions of this section shall be punished by imprisonment in the state prison for not more than five years, or by imprisonment for not more than two and one-half years in a jail or house of correction, or by a fine of not more than five thousand dollars, or both.

(2) Any person who sells regulated materials to a secondary metals recycler and who violates the provisions of this chapter, and the transaction which gives rise to such violation totals two hundred and fifty dollars or greater, or if the aggregate of two or more transactions is two hundred and fifty dollars or greater, such person shall be punished by imprisonment in the state prison for not more than five years, or by imprisonment for not more than two and one-half years in a jail or house of correction, or by a fine of not more than five thousand dollars, or both.

(3) Any secondary metals recycler who knowingly and intentionally engages in violations of this chapter, and the transactions which give rise to such violation total an aggregate amount which exceeds two hundred and fifty dollars, such secondary metals recycler shall be punished by imprisonment in the state prison for not more than five years, or by imprisonment for not more than two and one-half years in a jail or house of correction, or by a fine of not more than five thousand dollars, or both.
In either of the above stated cases, where value is less than two hundred and fifty dollars, said person or secondary metals recycler shall be guilty of a misdemeanor punishable by a fine of not more than twenty-five hundred dollars or imprisonment of not less than one nor more than two and one-half years.

It shall be unlawful for any person to intentionally provide a false document of identification or other false information while attempting to sell any regulated materials.

Section 8. This law shall supersede all existing laws, ordinances, or regulations which exist in any county or municipality."

Providing for the laying out and acceptance for certain ways in the town of Norton (Senate, No. 2009) (on a petition) [Local Approval Received]; and
Providing for recall procedures in the town of Princeton (Senate, No. 2025) (on House, No. 5418) [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 Mrs. Menard of Somerset, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:
Petition (accompanied by bill) of Thomas S. Cahir relative to applications for health insurance. To the committee on Insurance.
Petition (accompanied by bill) of William G. Reinstein, Paul C. Casey, Harriette L. Chandler, Edward G. Connolly, James R. Miceli and John J. Binienda relative to the training and testing of persons staffing a public safety answering point; and
Petition (accompanied by bill) of Thomas P. Kennedy relative to the inspection of power operated doors;
Severally to the committee on Public Safety.
Under suspension of Rule 42, on motion of Mr. Cahir of Bourne, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Insurance to make an investigation and study of certain Senate and House documents concerning property, casualty and life insurance (House, No. 4907) reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2592) of Paul E. Caron relative to premium finance agencies, — and recommending that the same be recommitted to the committee on Insurance. 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 authorizing the Division of Capital Planning and Operations to convey certain land located in the city of Brockton
(House, No. 4383) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5533).

By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to convey certain easements in land in the town of Tewksbury (House, No. 4386) ought to pass with an amendment substituting therefor a Bill authorizing the Division of Capital Planning and Operations to convey certain land in the town of Tewksbury (House, No. 5534).

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

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on a petition, a Bill relative to the chief financial officer of the town of Wellesley (House, No. 5220) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the appointment of the treasurer of the Barnstable Fire District (House, No. 5414).

By the same member, for the same committee, on a petition, a Bill providing for an alternate member on the building committee in the town of Provincetown (House, No. 5419, changed in section 1 by adding at the end thereof the following sentence: "The board of selectmen shall attempt to include on the committee one attorney and one building contractor.") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Rockport to lease a certain building (House, No. 5433) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Webster to abate and refund certain property taxes (House, No. 5447).

By the same member, for the same committee, on a petition, a Bill authorizing the city of Worcester to convey certain land (House, No. 5481) [Local Approval Received].

By Mr. Petrolati of Ludlow, for the committee on Public Service, on a petition, a Bill authorizing the city council to elect the city clerk in the city of Westfield to serve for a term of three years and removing said position from the provisions of civil service (House, No. 5487) [Local Approval Received].

By Mr. Scaccia of Boston, for the committee on Science and Technology, on a petition, a Bill requiring testing for balanced air systems in certain buildings (House, No. 4625).

By Mr. Cahir of Bourne, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Braintree as the Lieutenant Gregory A. Principe and Sergeant Ernest J. DeCross Bridge (House, No. 5480, changed by striking out, in line 5, the words "department of highways" and inserting in place thereof the words "Massachusetts Bay Transportation Authority").

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

Engrossed bills

Bills Relative to the pension rights of certain call fire fighters (see House, No. 4704, amended);

Authorizing the town of South Hadley to establish a certain special fund (see House, No. 5494); and

Authorizing the Colonel of the State Police to make certain appointments to the nineteen hundred and ninety-five State Police training class (see House, No. 5517, amended);

(Which severally originated in the House);

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

Orders of the Day.

The Senate Bill relative to the abatement and refund of betterment assessments pursuant to the Hopkinton betterment assessments and sewer privilege fee by-law (Senate, No. 2008), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Providing for a senior citizen safety road in the town of Dracut (House, No. 5244);

Authorizing the town of Carlisle to grant a certain conservation restriction (House, No. 5319); and

Authorizing the Division of Capital Planning and Operations to convey certain land in the town of Tewksbury (House, No. 5513);

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.

At twenty-nine minutes after eleven o'clock A.M., on motion of Mr. Serra of Boston, the House adjourned, to meet tomorrow at eleven o'clock A.M.
Wednesday, October 11, 1995.

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

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

Gracious God, we turn our thoughts to You, Our Creator, and pray for guidance as we make legislative and personal decisions. In Your goodness, open our minds to read the signs of the times, to assess the concerns of the electorate, and to understand the needs of our diverse communities. Grant us the good sense to respect the political, philosophical and ethical views of the people in our communities, but grant us the courage to remain faithful to our own convictions, to a right conscience, and to accepting responsibility for our own actions and decisions. While we thank You for our own blessings, let us continue the long standing tradition of caring for people in our land who cannot care for themselves and depend upon others for their daily existence.

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.

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:—

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

October 4, 1995.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the nineteenth day of September, 1995, for Representative in General Court, 7th 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.

Member Qualified.

The special committee of the House, appointed at the preceding sitting, relative to the qualification of Ronald N. Whitney of Abington, member-elect from the Seventh Plymouth District, entered the House Chamber under escort of the Sergeant-at-Arms and accompanied by Mr. Whitney.

Mrs. Lewis of Bridgewater then reported that said committee had completed the assignment, that Representative Whitney had, this day, taken and subscribed the necessary oaths of office; and was now duly qualified as a member of the House.

After remarks by Mr. Whitney, he was assigned to Seat No. 104 by the Speaker.

Statement Concerning Representative DiPaola of Malden.

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 DiPaola of Malden, will not be present in the House Chamber for today’s sitting due to official business outside of the Commonwealth. 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.

Guests of the House.

During consideration of the Orders of the Day, the Chair (Mrs. Menard of Somerset) declared a recess subject to the call of the Chair, there being no objection, for the purpose of introducing Sean Brian Murphy, age 13; Anthony Francis Cahill, age 12; and Ramiro “Junior” Martins, age 10. In late August of this year the three boys were playing near the scene of an accident and rushed to see what was happening. After arriving at the scene, they assisted a man and a woman in uprighting the vehicle, a van, and rescued the woman, Rebecca Lou Santos, who was trapped beneath it. The Chair then read and presented previously adopted Resolutions of the House of Representatives to the boys and commended them for their courage and for saving the life of Ms. Santos. They were the guests of Representatives Kennedy of Brockton and Canavan of Brockton.

Resolutions.

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

Resolutions (filed by Speaker Flaherty of Cambridge) on the occasion of the seventy-fifth anniversary of the Association Notre Dame de Cambridge;
Resolutions (filed by Mr. Cahill of Beverly) congratulating Marie G. Leonard on the occasion of her retirement;

Resolutions (filed by Mrs. Canavan of Brockton) honoring Howard Hayward and Mary Hayward for forty years of dedicated team service to conservation in Plymouth County;

Resolutions (filed by Mr. Hargraves of Groton) honoring Reverend Andrew G. Rosenberger;

Resolutions (filed by Mr. Locke of Wellesley) congratulating Diederik R. Sieburgh on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. McIntyre of New Bedford and other members of the House) observing the week of October fifteenth through October twenty-first as the Young Women's Christian Association Week Without Violence;

Resolutions (filed by Mr. Poirier of North Attleborough) congratulating the North Attleborough Park Commission on the occasion of its centennial; and

Resolutions (filed by Mr. Travis of Rehoboth) on the occasion of the rededication of American Legion Post 311 in memory of Richard F. Stockwell;

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. Travis, 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. Wagner of Chicopee) congratulating Sabina Parker on being named Democrat of the Year, 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. Wagner, 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. Turkington of Falmouth) 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 Counties be granted until Wednesday, November 1, 1995, within which to make its final report on current House document numbered 5525.

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. Turkington, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.
Worcester schools,— awards account.

A petition of Raymond V. Mariano (mayor), Thomas R. Hoover (city manager), Matthew J. Amorello, William J. Glodis, Jr., Robert A. Bernstein, John J. Binienda, Harriette L. Chandler and Vincent A. Pedone (with the approval of the city council) for legislation to establish a special account to fund a performance-based awards program in the Worcester public school system, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2054) was referred, in concurrence, to the committee on Education, Arts and Humanities.

Bianchi bail reform act.

A petition of Thomas F. Birmingham that provision be made for the designation of the Donna Jean Bianchi Bail Reform Act, came from the Senate referred, under suspension of Joint Rule 12, to the Senate committee on Rules.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2055) was referred to the Senate committee on Rules.

Reports of Committees.

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

Petition (accompanied by bill) of M. Joseph Manning for legislation to further regulate auctioneers; and

Petition (accompanied by bill) of Robert F. Fennell and Thomas M. McGee relative to written examinations for the licensing of auctioneers;

Severally to the committee on Government Regulations.

Petition (accompanied by bill) of Thomas P. Kennedy and Christine E. Canavan (with the approval of the mayor and city council) for legislation to authorize the city of Brockton to convey the Armory Building to the Boys and Girls Club of Brockton. To the committee on Local Affairs.

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

Brockton,— Armory Building.

Elderly and disabled persons,— housing.

Mrs. Harkins of Needham, 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 1979; and striking out the title and inserting in place thereof the following title: “An Act making appropriations for the fiscal year
nineteen hundred and ninety-five to improve housing opportunities for elders and persons with disabilities." of the House Bill to improve housing opportunities for elders and non-elderly persons with disabilities (House, No. 5270, amended) reports recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein with the following further amendment:

By striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5535, and that the Senate concur in the further amendment; and that the House recede from its non-concurrence with the Senate in its amendment striking out the title; and concur therein.

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. Mrs. Canavan of Brockton moved that this vote be reconsidered; and the motion to reconsider was negatived. The report then was 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. 3856) of James T. Brett and W. Paul White for legislation to further regulate mortgage loan applications,— and recommending that the same be recommitted to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Recess.

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

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 19 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the Superintendent of State Office Buildings to install and maintain busts to honor the lasting contributions of Governor Foster Furcolo and Governor John A. Volpe (see Senate, No. 1538, amended); and
Relative to the abatement and refund of betterment assessments pursuant to the Hopkinton betterment assessments and sewer privilege fee by-law (see Senate, No. 2008):

(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.

Engrossed Bills — Land Takings.

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 142 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 226 in Supplement.]

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

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

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

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

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

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

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

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

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

Mr. Rogers then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.
The engrossed Bill authorizing the town of Foxborough to convey a certain parcel of conservation land (see House, No. 5345) (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. 227 in Supplement.]

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

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

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

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

Orders of the Day.

The Senate Bill relative to state-chartered credit unions (Senate, No. 1881), 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 bank directors (House, No. 2319); and The House Resolve providing for an investigation and study by a special commission relative to collective bargaining and dispute resolutions for municipal police officers and fire fighters (House, No. 429, amended);

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

The House Bill authorizing the city council to elect the city clerk in the city of Westfield to serve for a term of three years and removing said position from the provisions of civil service (House, No. 5487) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mrs. Hahn of Westfield, 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, its title having been changed by said committee to read: An Act authorizing the city council to elect the
city clerk in the city of Westfield to serve for a term of three years and removing said position from the provisions of the civil service law. Sent to the Senate for concurrence.

Senate bills

Authorizing city or town municipally owned school vehicles to transport community groups (Senate, No. 320);
Providing for the laying out and acceptance for certain ways in the town of Norton (Senate, No. 2009); and
Providing for recall procedures in the town of Princeton (Senate, No. 2025); and

House bills

Relative to the chief financial officer of the town of Wellesley (House, No. 5220);
Relative to the appointment of the treasurer of the Barnstable Fire District (House, No. 5414);
Providing for an alternate member on the building committee in the town of Provincetown (House, No. 5419, changed);
Authorizing the town of Rockport to lease a certain building (House, No. 5433);
Authorizing the town of Webster to abate and refund certain property taxes (House, No. 5447);
Designating a certain bridge in the town of Braintree as the Lieutenant Gregory A. Principe and Sergeant Ernest J. DeCross Bridge (House, No. 5480, changed); and
Authorizing the city of Worcester to convey certain land (House, No. 5481);

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

Second reading bill amended.

The House Bill authorizing the Division of Capital Planning and Operations to convey certain land located in the city of Brockton (House, No. 4383) 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. 5533), — was adopted.
The substituted bill then was ordered to a third reading.

Id.

The House Bill authorizing the Division of Capital Planning and Operations to convey certain easements in land in the town of Tewksbury (House, No. 4386) 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 authorizing the Division of Capital Planning and Operations to convey certain land in the town of Tewksbury (House, No. 5534), — was adopted.
The substituted bill then was ordered to a third reading.

Campaign contributions.

The House Bill further regulating the solicitation of campaign contributions in certain buildings (House, No. 5515), 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. Dempsey of Haverhill moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow for the solicitation of campaign funds in certain governmental buildings, 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 (House, No. 5515, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill requiring certain camps to provide certified lifeguards (House, No. 3993) was considered.

Pending the question on passing the bill to be engrossed, it was referred to the committee on Ways and Means, on motion of Mr. Brewer of Barre.

The Senate Bill relative to secondary metals (Senate, No. 1204, amended) was read a second time.

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

The House Bill requiring testing for balanced air systems in certain buildings (House, No. 4625) was read a second time.

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

The House Bill further defining patients’ rights (House, No. 2167), 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, Ms. Jehlen of Somerville moved that it be amended by striking out section 1 and inserting in place thereof the following section:

"SECTION 1. Chapter 112 of the General Laws is hereby amended by inserting after section 12CC the following section:"—

Section 12DD. Every patient examined or treated at the office of a physician licensed pursuant to this chapter, a beneficiary of said patient, or an individual who represents said patient or beneficiary shall have the right, upon request, to inspect any of said patient’s medical records under the custody of that physician and to receive a copy thereof, and the fee for said copy shall be determined by the rate of copying expenses, except that no fee shall be charged to any applicant, beneficiary, or individual representing said applicant or
Patients' beneficiary for furnishing a medical record, if the record is requested pursuant to a claim or appeal under any provision of the Social Security Act or any federal or state needs-based benefit program, and the physician shall furnish a medical record requested pursuant to a claim or appeal under a provision of the Social Security Act or any federal or state needs-based benefit program within thirty days of the request; provided however, that any person for whom no fee shall be charged shall present reasonable documentation at the time of such record request that the purpose of said request is to support a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program.

For purposes of this section, in the case of a psychotherapist, the term 'records' in this section shall mean, at the discretion of the psychotherapist, the patient's entire record maintained by such psychotherapist or a summary of the patient's record. If in the reasonable exercise of his professional judgement, the psychotherapist believes providing the entire record would adversely affect the patient's well-being, in such instances, the psychotherapist shall make a summary of the record available to the patient. If a patient requests the entire record, notwithstanding a determination that providing said record is deemed to adversely affect the patient's well-being, the psychotherapist shall make the entire record available to either the patient's attorney, with the patient's consent, or to such other psychotherapist as designated by the patient. For the purpose of this section the word 'psychotherapist' shall mean any person defined as such by section twenty B of chapter two hundred and thirty-three or licensed pursuant to section eighty-four of chapter thirteen.

The amendment was adopted; and the bill (House, No. 2167, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Mrs. Menard of Somerset being in the Chair,— the House Bill to amend the Massachusetts adoption law to facilitate the adoption of children in the Commonwealth (House, No. 5243) was considered.

Pending the question on passing the bill to be engrossed, Mr. Cohen of Newton moved that it be amended in section 4 by inserting after the word “any”, in line 14, the word “putative”. The amendment was adopted.

Pending the question on passing the bill, as amended, to be engrossed, further consideration thereof was postponed, on motion of Ms. Donovan of Woburn, until after disposition of the remaining matters in the Orders of the Day.

Subsequently, there being no objection, the bill was considered further; and it was passed to be engrossed. The bill (House, No. 5243, amended) then was 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 Friday next (October 13) at three o'clock P.M.; when the House adjourns on Friday, it adjourn to meet on the following Monday (October 16) at eleven o'clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for the next sitting.

Mrs. Owens-Hicks of Boston then moved that as a mark of respect to the memory of Carter D. Kimbrel, a member of the House from Boston (Mattapan) in 1971 and 1972, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at six minutes after three o'clock P.M., on motion of Mr. Scaccia of Boston (Mrs. Menard of Somerset being in the Chair), the House adjourned, to meet on Friday next at three o'clock P.M., in an Informal Session.
Friday, October 13, 1995.

Met according to adjournment, at three o'clock P.M., in an Informal Session.

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

Lord God, we are grateful for the material and spiritual blessings which You bestow upon us daily. We are grateful, too, for the love and concern of family, friends and associates, and for the opportunities which we enjoy as citizens of this land. Teach us to respect, protect and appreciate the human resources of our communities and to utilize our natural resources prudently. Guide our efforts as a society to live in peace, to respect the rights and views of others, and build civil, orderly and compassionate communities.

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

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

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to providing for indemnification of members, offices and employees of the Massachusetts State College Building Authority (House, No. 5545) was filed in the office of the Clerk on Wednesday, October 11.

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

A message from His Excellency the Governor recommending legislation relative to amending the welfare reform law concerning unwed minor parents (House, No. 5546) was filed in the office of the Clerk on Thursday, October 12.

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.

Statement Concerning Representative Koczera of New Bedford.

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 Koczera of New Bedford, was not present in the House Chamber on Wednesday,
October 11, due to a death in his family. Any roll calls that he missed was due entirely to the reason stated.

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

**Resolutions.**

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

- Resolutions (filed by Speaker Flaherty of Cambridge) commending John J. Morrissey on the occasion of his retirement;
- Resolutions (filed by Speaker Flaherty of Cambridge and Representative Brett of Boston) congratulating the Massachusetts - Hokkaido on the occasion of its fifth anniversary; and
- Resolutions (filed by Mr. Rushing of Boston) honoring Walt Sanders;

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

**Communications.**

A communication from the Registrar of Motor Vehicles (under Section 7V of Chapter 90 of the General Laws) submitting proposed regulation 540 CMR 4.10 pertaining to certificates of inspection of motor vehicles (stickers) and reinspection after rejection procedures (House, No. 5547) was referred to the committee on Public Safety. Sent to the Senate for concurrence.

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 the motor fuel and/or lubricating oil retail dealer annual equipment fee for calendar years 1996 and 1997, was placed on file.

**Papers from the Senate.**

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 Natural Resources and Agriculture be granted until Friday, October 27, 1995, within which to make its final report on current Senate document numbered 2029, relative to dissolving the Erving Water District.

Under suspension of Rule 42, on motion of Mrs. Gray of Framingham, the order was considered forthwith; and it was adopted, in concurrence.
Optometric care.

Bills
Relative to optometric patient care (Senate, No. 540) (on a petition);
Authorizing environmental joint powers agreements (Senate, No. 1866) (on Senate, No. 1112);
Establishing the health education learning partnership of Massachusetts (Senate, No. 2048) (on Senate, No. 1930, changed); and
Further defining childbirth and post partum care benefits (Senate, No. 2057) (on Senate, Nos. 1926 and 2000);
Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Environment agreements.

Littleton,—
water commissioners.

Bills
Relative to the board of water commissioners in the town of Littleton (Senate, No. 1961) (on a petition) [Local Approval Received]; and
Authorizing the town of Medway to convey an easement in certain conservation land (Senate, No. 2006) (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.

Health education.

Medway,—
conservation land easement.

Childbirth and post partum care.

Public health,—
 promote.

Marijuana,—
 medical use.

Sporting licenses,—
issuance.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Science and Technology, asking to be discharged from further consideration of the Bill to promote the public health (House, No. 210),— and recommending that the same be referred to the committee on Rules.

By the same member, for the same committee, asking to be discharged from further consideration of the Bill relative to the medical use of marijuana (House, No. 2736),— and recommending that the same be recommitted to the committee on Health Care.

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

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. 1172) of Daniel F. Keenan for legislation to increase the fee retained by city and town clerks for the issuance of sporting, hunting, fishing and trapping licenses,— 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. Caron of Springfield, for the committee on Public Safety, on House, Nos. 5339 and 5506, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning the use of breathalizer and blood tests and regulating the issuance of drivers' licenses to minors (House, No. 5539).

By Mr. Brett of Boston, for the committee on Taxation, on House, Nos. 5234, 5353 and 5385, an Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning personal property tax exemptions, sale tax exemption for purchases of recycling or composting bins and regulating the time for holding hearings before the Appellate Tax Board (House, No. 5540).

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.

By Mr. Turkington of Falmouth, for the committee on Counties on the part of the House, that the Bill relative to the improvement of court facilities (printed in House, No. 5311) ought to pass with an amendment by inserting after section 1 the following section:

"SECTION 1A. The monies cited in section 1 shall be expended on the construction of a new Plymouth County court house judicial complex, renovations for the Suffolk County Court Houses, renovations to the existing Plymouth Superior Court House, for Probate/Family Court and the Worcester Court House, provided that the ownership of the Plymouth Superior Court House for Probate/Family Court and the Worcester Court House be transferred to the Commonwealth and the construction of new trial courts in Falmouth, Northern Berkshire County, Lowell, Middlesex County and Taunton." [Bond Issue: $583,000,000.00].

By Mr. Scaccia of Boston, for the committee on Science and Technology, 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 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).

Severally referred, under Rule 33, to the committee on Ways and Means, with the amendments pending.
By Mrs. Gray of Framingham, for the committee on Natural Resources and Agriculture, on a recommitted petition, a Bill relative to licensing of milk pasteurization plants located within the commonwealth (House, No. 583).

By the same member, for the same committee, on a recommitted petition, a Bill relative to creating a citizens advisory committee of the South Essex Sewerage District (House, No. 3976, changed by inserting after the word "Peabody.", in line 8, the word "Beverly.").

By Mr. Binienda of Worcester, for the committee on Public Safety, on a petition, a Bill relative to bullet proof vests for fire inspectors (House, No. 5505).

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to the order of eligibility for police and fire service of spouses of certain police officers and fire fighters (House, No. 615) ought to pass with an amendment. Placed in the Orders of the Day for the next sitting, the question being on passing the bill to be engrossed, with an amendment pending.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to criminal offenders records (House, No. 4906) ought to pass. 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 providing funding for the discovery and cleanup of hazardous waste sites and the audit of hazardous waste site cleanups in the Commonwealth (House, No. 123, changed) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5548) [Bond Issue: $100,000,000.00].

By the same member, for the same committee, that the Bill relative to Braille literacy (House, No. 2144) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill providing access to certain sanitary stations for those with medical necessity (House, No. 2169, changed) ought to pass with certain amendments.

By the same member, for the same committee, that the Bill to reduce sexual harassment in public agencies (House, No. 4548) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5549).

By the same member, for the same committee, that the Bill authorizing the Division of Capital Planning and Operations to grant certain easements in the town of Hubbardston (House, No. 5252) ought to pass with an amendment.

By the same member, for the same committee, that the Bill providing for a joint feasibility study relating to a unified transportation
system in the Boston metropolitan area (printed in House, No. 5399, changed) 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 providing for uniform administrative standards in the audit of federal aid funds received by state agencies (House, No. 4) ought to pass.

By the same member, for the same committee, that the Bill relative to farmer-wineries (House, No. 318) ought to pass.

By the same member, for the same committee, that the Bill to require public buildings to meet certain air quality ventilation standards (House, No. 838) ought to pass.

By the same member, for the same committee, that the Bill to provide minimum ventilation in state leased and newly constructed state buildings (House, No. 839) ought to pass.

By the same member, for the same committee, that the Bill relative to the composition of the Hemophilia Advisory Committee (House, No. 3725, changed) ought to pass.

By the same member, for the same committee, that the Bill to provide that certain health care plans and policies shall cover payment for costs arising from speech, hearing and language disorders (House, No. 4140) ought to pass.

By the same member, for the same committee, that Bill relative to the provision of family child care (House, No. 4303) ought to pass.

By the same member, for the same committee, that the Bill relative to fund raising for the blind (House, No. 4468) ought to pass.

By the same member, for the same committee, that the Bill relative to public safety employees line of duty death benefit (House, No. 4924) ought to pass.

By the same member, for the same committee, that the Bill requiring persons engaged in the business of installing and maintaining private water well systems to be registered (House, No. 4994) ought to pass.

By the same member, for the same committee, that the Bill providing for an additional assistant clerk in the First District Court of Bristol (House, No. 5413) ought to pass.

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

By Mr. Rushing of Boston, for the committee on Insurance, on a recommitted petition, a Bill relative to premium finance agencies (House, No. 2592).

By Mrs. Gray of Framingham, for the committee on Natural Resources and Agriculture, on a recommitted petition, a Bill relative to the inspection and approval of milk plants, receiving stations and pasteurization plants (House, No. 582).
By Mr. Hodgkins of Lee, for the committee on State Administration, on a petition, a Bill authorizing veterans to display and exhibit certain memorabilia in the State House (House, No. 5411).

By the same member, for the same committee, on a petition, a Bill relative to the use of a certain parcel of land in the town of Sherborn (House, No. 5492) [Local Approval Received].

By Mr. Finneran of Boston, for the committee on Ways and Means, on a petition, a Bill relative to cross-ownership of an all alcoholic and malt beverages manufactured license to the Pioneer Valley Brewing Company, Inc., d/b/a Pioneer Valley Brew Pub in the city of Springfield (House No. 4663) [Local Approval Received].

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill authorizing a capital outlay for the payment of certain court judgements (printed in House, No. 5091, changed by adding at the end thereof the following two sections:

"SECTION 5. The fifth sentence of paragraph (a) of section 12 of chapter 372 of the acts of 1984, as most recently amended by section 181 of chapter 60 of the acts of 1994, is hereby further amended by striking out the words 'three billion' and inserting in place thereof the words:— three billion three hundred million.

SECTION 6. The fourth sentence of section 16 of chapter 372 of the acts of 1984, as most recently amended by section 182 of chapter 60 of the acts of 1994, is hereby further amended by striking out the words 'three billion' and inserting in place thereof the words:— three billion three hundred million.").

By the same member, for the same committee, on House, No. 5327, a Bill to authorize the construction, development and renovation of new convention centers in the Commonwealth (House, No. 5550) [Bond Issue: $577,000,000.00] [Representatives Fox of Boston, Story of Amherst, Poirier of North Attleborough, DeFilippi of West Springfield, Guerriero of Melrose and Evans of Wayland dissenting].

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

Emergency Measures.

The engrossed Bill further regulating the authority of the Inspector General to review certain actions of certain college assistance corporations (see House, No. 1489, 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 7 to 0. Sent to the Senate for concurrence.

The engrossed Bill increasing the minimum wage for certain employees (see House, No. 5153, 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 7 to 0. Sent to the Senate for concurrence.

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 the office of town administrator in the town of Carver (see Senate, No. 77, changed and amended);
Relative to state-chartered credit unions (see Senate, No. 1881);
(Which severally originated in the Senate);
Further regulating real estate abatements for the elderly (see House, No. 4550, amended);
Exempting the leasing of certain land in the town of Rockport from certain bidding laws (see House, No. 4673);
Designating the Plymouth County district attorney’s office building in the city of Brockton as the William C. O’Malley building (see House, No. 5026);
Authorizing the town of Lynnfield to lease certain property (see House, No. 5136);
Relative to the appointment of the advisory board on county expenditures for Middlesex County (see House, No. 5241);
Making appropriations for the fiscal year nineteen hundred and ninety-five to improve housing opportunities for elders and persons with disabilities (see House, No. 5270, amended);
Providing for recall elections in the town of Westminster (see House, No. 5316); and
Authorizing the city council to elect the city clerk in the city of Westfield to serve for a term of three years and removing said position from the provisions of the civil service law (see House, No. 5487);
(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.
Mr. Brett of Boston then moved that as a mark of respect to the memory of Ignatius J. O'Connor, a member of the House from Boston (Dorchester) in 1929 and 1930, the House adjourn; and the motion prevailed.

Accordingly, at seventeen minutes after three o'clock P.M., the House adjourned, to meet on Monday next at eleven o'clock A.M.

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

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

Gracious God, we depend upon You for the wisdom and the courage to address today's political, social and ethical issues conscientiously. Guide our efforts to be true to You and our Constitutional obligations. Inspire us to remain faithful to our philosophical and religious principles and personal ideals as we struggle with the complex policy issues of our diverse and pluralistic society. Teach us to recognize the importance of human and spiritual values in our desire to build a more peaceful, tolerant and civil society. Let our disagreements be on the issues of the day and not on personalities involved in the discussions.

Grant 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 permitting the Department of Transitional Assistance to provide information to the Immigration and Naturalization Service (House, No. 5552) was filed in the office of the Clerk on Friday, October 13.

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.

Statement Concerning Representative Kerans of Danvers.

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 Kerans of Danvers, will not be present in the House Chamber for today's sitting due to her attendance at a funeral. 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 Thompson of Cambridge.

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 Thompson of Cambridge, will not be present in the House Chamber for today's sitting or tomorrow's sitting due to official business in his district. Any roll calls that he may miss today or tomorrow 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 Tolman of Boston.

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 Tolman of Boston, is unable to be present in the House Chamber due to the death of his father. Any roll calls that he may miss today or tomorrow 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 Mrs. Cleven of Chelmsford) congratulating Charles and Mary Harrison on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Ms. Evans of Wayland) congratulating Michael Pierson on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Pedone of Worcester) congratulating Dr. Sandra L. Kurtinitis on being named the fourth President of Quinsigamond Community College;

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

Petitions.

Mr. Businger of Brookline presented a petition (accompanied by bill, House, No. 5553) of Donna R. Kalikow, John A. Businger, Paul C. Demakis, Lois G. Pines, David B. Cohen, Steven A. Tolman...
and others (by vote of the town) for legislation to authorize rental subsidies for certain tenants in the town of Brookline; and the same was referred to the committee on Housing and Urban Development. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Naughton of Clinton, petition (subject to Joint Rule 12) of Harold P. Naughton, Jr., relative to the Massachusetts Medical Malpractice Reinsurance Plan.

By Mrs. Paulsen of Belmont, petition (subject to Joint Rule 12) of Anne M. Paulsen and other members of the General Court relative to the placement of children with private families by the Department of Social Services.

By Ms. Teagan of Plymouth, petition (subject to Joint Rule 12) of Linda C. Teagan for legislation to authorize the Department of Mental Health to establish a sick leave bank for Jude Hinckly MacVicar, an employee of said department. Severally, under Rule 24, to the committee on Rules.

Reports of Committees.

Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning special needs education, development programs and other educational matters (House, No. 5265) reports, in part, asking to be discharged from further consideration. Of the message from His Excellency the Governor recommending legislation relative to special education (House, No. 1448), of the petition (accompanied by bill, Senate, No. 1787) of David P. Magnani for legislation relative to the funding of certain special education programs;

Of the petition (accompanied by bill, House, No. 305) of Carol A. Donovan and Barbara Gardner relative to further regulating educational assessments under the special education program;

Of the petition (accompanied by bill, House, No. 1816) of Anne M. Paulsen, Robert A. Havern and J. James Marzilli, Jr., for legislation to establish a matching grant incentive program for cities and towns establishing scholarship and educational funds;

Of the petition (accompanied by bill, House, No. 2352) of Barbara Gardner, Nancy Flavin, Robert M. Koczera, Lida E. Harkins and Daniel J. Valianti for legislation to further regulate special education programs of the Department of Education;

Of the petition (accompanied by bill, House, No. 2360) of John H. Rogers, Barbara E. Gray, Mary Jeanette Murray and another relative to payment of the cost of special education residential programs;

Of the petition (accompanied by bill, House, No. 3509) of the Massachusetts Association of School Superintendents and Barbara
Gardner relative to further regulating educational assessments under
the special education program; and
Of the petition (accompanied by bill, House, No. 4446) of
Kathleen Cardin for legislation to require testing of special needs
children for scotopic sensitivity syndrome;
And recommending that the same severally be recommitted to the
committee on Education, Arts and Humanities.
Under Rule 42, the reports severally were considered forthwith;
and they were accepted.

By Mrs. Gray of Framingham, for the committee on Natural
Resources and Agriculture, asking to be discharged from further
consideration
Of the recommitted petition (accompanied by bill, Senate,
No. 1176) of Bruce E. Tarr, Ellen Story, Shaun P. Kelly, Patrick F.
Landers III, other members of the General Court and another for
legislation to require local approval for low level radioactive waste
sites; and
Of the recommitted petition (accompanied by bill, Senate,
No. 1553) of W. Paul White, Robert A. Havern and other members
of the General Court for legislation relative to granting certain ease-
ments to the Massachusetts Water Resources Authority for the
extension of the Metro-West water supply;
And recommending that the same severally be referred to the
Senate committee on Rules.
Under Rule 42, the reports severally were considered forthwith;
and they were accepted, insomuch as relates to the discharge of the
committee. Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committee on Science and
Technology, that the Bill regulating the practice of dietetics/nutri-
tion (House, No. 4791) ought o pass with an amendment substituting
therefor a Bill relative to the licensure of dieticians and nutritionists
(House, No. 5554). Referred, under Rule 33, to the committee on
Ways and Means, with the amendment pending.

By Mrs. Gray of Framingham, for the committee on Natural
Resources and Agriculture, on House, No. 1172, a Bill increasing
the fee retainer by the city/town clerks or other person issuing
sporting/hunting/fishing/trapping licenses (House, No. 5555). Read;
and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Finneran of Boston, for the committee on Ways and
Means, that the Bill authorizing the issuance of farmer license plates
to persons engaged in aquaculture (House, No. 3029) ought to pass.
Placed in the Orders of the Day for the next sitting for a second
reading.
Engrossed Bills.

The engrossed Bill further regulating the authority of the Inspector General to review certain actions of certain college assistance corporations (see House, No. 1489, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, in its amended form; and it was signed by the Speaker and sent to the Senate.

Orders of the Day.

Senate bills
Authorizing the Metropolitan District Commission to close Charles W. Greenough Boulevard in the city known as the town of Watertown on certain Sundays (Senate, No. 599);
Relative to interest earned on monies seized (Senate, No. 926); and
Providing for the laying out and acceptance for certain ways in the town of Norton (Senate, No. 2009);
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.

House bills
Regulating the sale and warranty of customized wheelchairs (House, No. 1074, changed) (its title having been changed by the committee on Bills in the Third Reading);
Relative to the disposition of insurance proceeds for the town of Dighton (House, No. 5103);
Establishing a department of public works in the town of Weston (House, No. 5168);
Relative to the chief financial officer of the town of Wellesley (House, No. 5220);
Designating a certain bridge in the town of Braintree as the Lieutenant Gregory A. Principe and Sergeant Ernest J. DeCross Bridge (House, No. 5480, changed); and
Relative to the sale of kosher wine on Sundays (House, No. 5516) (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 the Massachusetts Fire Prevention Association known hereafter as the Fire Prevention Association of Massachusetts, Inc. (House, No. 4748) 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 Fire Prevention Association of Massachusetts, Inc. (House, No. 5556), 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 secondary metals (Senate, No. 1204, amended) was ordered to a third reading.

Senate bills
Relative to the board of water commissioners in the town of Littleton (Senate, No. 1961); and
Authorizing the town of Medway to convey an easement in certain conservation land (Senate, No. 2006); and
House bills
Relative to farmer-wineries (House, No. 318);
Relative to the composition of the Hemophilia Advisory Committee (House, No. 3725, changed);
To provide that certain health care plans and policies shall cover payment for costs arising from speech, hearing and language disorders (House, No. 4140);
Relative to fund raising for the blind (House, No. 4468);
Relative to cross-ownership of an all alcoholic and malt beverages manufactured license to the Pioneer Valley Brewing Company, Inc., d/b/a Pioneer Valley Brew Pub in the city of Springfield (House, No. 4663);
Relative to public safety employees line of duty death benefit (House, No. 4924);
Authorizing veterans to display and exhibit certain memorabilia in the State House (House, No. 5411); and
Relative to the use of a certain parcel of land in the town of Sherborn (House, No. 5492);
Severally were read a second time; and they were ordered to a third reading.

The House Bill providing funding for the discovery and cleanup of hazardous waste sites and the audit of hazardous waste site cleanups in the Commonwealth (House, No. 123, 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. 5548),— was adopted.
The substituted bill then was ordered to a third reading.
Subsequently under suspension of the rules, on motion of Mrs. Gray of Framingham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 5548) then was sent to the Senate for concurrence.
The House Bill authorizing the Division of Capital Planning and Operations to grant certain easements in the town of Hubbardston (House, No. 5252) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by adding at the end thereof the following four sections:

“SECTION 2. The sale price paid by the town of Hubbardston for said easement shall be the full and 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 town of Hubbardston or its designee shall pay said easement price in accordance with the terms of the agreement.

SECTION 3. The town of Hubbardston 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 development, maintenance or operation of said parcel. In the event said parcel of land 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 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 on the joint committee on state administration at least fifteen days prior to execution.”,— was adopted.

The bill (House, No. 5252, amended) then was ordered to a third reading.

The House Bill providing for a joint feasibility study relating to a unified transportation system in the Boston metropolitan area (printed in House, No. 5399, changed) was read a second time.
The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by inserting after section 1 the following section:

"SECTION 1A. The seventh paragraph of section 23 of said chapter 102 is hereby amended by striking out the words ‘December thirty-first, nineteen hundred and ninety-five’ and inserting in place thereof the following words:— April thirtieth, nineteen hundred and ninety-six.”,— was adopted.

The bill (printed in House, No. 5399, changed and amended) then was ordered to a third reading.

Recess.

At eighteen minutes after eleven o’clock A.M., on motion of Mrs. Walrath of Stow, the House recessed until the hour of one o’clock P.M.; and at that time the House was called to order.

Resolutions.

Resolutions (filed this day by Speaker Flaherty of Cambridge and Representatives Voke of Boston, Menard of Somerset, Serra of Boston, McDonough of Boston and other members of the House) memorializing the Congressional delegation of Massachusetts to preserve Medicare and Medicaid (House, No. 5551) was referred, under Rule 85, to the committee on Rules.

Mr. Flaherty, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of Rule 42, on motion of Mr. McDonough, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

After debate (Mr. Serra of Boston being in the Chair) Mr. Guerriero of Melrose moved that the resolutions be amended by substitution of resolutions with the same title.

After debate on the question on adoption of the substitute resolutions, the sense of the House was taken by yeas and nays, at the request of Mr. Cresta of Wakefield; and on the roll call 33 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 228 in Supplement.]

[Mr. Stoddart of Natick answered “Present” in response to his name.]

Therefore the substitute resolutions were rejected.

On the recurring question on adopting the resolutions, the sense of the House was taken by yeas and nays, at the request of Mr. McDonough; and on the roll call (the Speaker being in the Chair) 118 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 229 in Supplement.]

[Messrs. Hargraves of Groton and Stoddart of Natick answered “Present” in response to their names.]

Therefore the resolutions (House, No. 5551) were adopted.
Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Weston to convey certain parcels of conservation land (see House, No. 5223) (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 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 230 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 relative to certain park and recreation land in the town of Medway (see House, No. 5320) (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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 231 in Supplement.]

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

Engrossed Bill.

The engrossed Bill increasing the minimum wage for certain employees (see House, No. 5153, 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 125 members voted in the affirmative and 27 in the negative.

[See Yea and Nay No. 232 in Supplement.]

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

Orders of the Day.

The Senate Bill relative to the appointment and reappointment of certain police officers (Senate, No. 1385), 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.
Public works projects,— accountability.

The House Bill providing for greater accountability on public works projects (House, No. 4216) 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.

Auditing practices.

The House Bill relative to auditing practices (House, No. 4545) was ordered to a third reading.

Municipal employees.

The House Bill relative to health insurance for part-time municipal employees (House, No. 4891); and

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

Severally were considered.

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

Fire fighters and police officers,— spouses.

The House Bill relative to the order of eligibility for police and fire service of spouses of certain police officers and firefighters (House, No. 615) was considered.

Pending the question on adoption of the amendment previously recommended by the Ways and Means,— that the bill be amended by adding at the end thereof the following section:

“SECTION 2. Notwithstanding the provisions of section 26 of chapter 31 and section 100 of chapter 32 of the General Laws, a spouse who becomes a firefighter or police officer pursuant to said section twenty-six of said chapter thirty-one will as of the time said spouse becomes a firefighter or police officer no longer be eligible for pension benefits pursuant to said section one hundred of said chapter thirty-two.” — and the main question on passing the bill to be engrossed, further consideration thereof was postponed, on motion of Mr. Connolly of Everett, until after disposition of the remaining matters in the Orders of the Day.

Mr. Serra of Boston being in the Chair, — the House Bill relative to criminal offenders records (House, No. 4906, amended) was considered.

Pending the question on ordering the bill to a third reading, Mr. Hargraves of Groton moved that it be amended by inserting after the word “data”, in line 18, the words “and data pertaining to terms and conditions of probation or parole”.

The amendment was adopted; and the bill (House, No. 4906, amended) was ordered to a third reading.

State agencies,— federal funds.

Mrs. Menard of Somerset being in the Chair, — the House Bill providing for uniform administrative standards in the audit of
federal aid funds received by state agencies (House, No. 4) was read a second time; and it was ordered to a third reading.

The House Bill relative to the inspection and approval of milk plants, receiving stations and pasteurization plants (House, No. 582) was read a second time.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Ways and Means, on motion of Mrs. Gray of Framingham.

The House Bill to require public buildings to meet certain air quality ventilation standards (House, No. 838) was read a second time; and after debate it was ordered to a third reading.

The House Bill to provide minimum ventilation in state leased and newly constructed state buildings (House, No. 839) was read a second time; and it was ordered to a third reading.

The House Bill relative to Braille literacy (House, No. 2144) was read a second time.

The amendments previously recommended by the committee on Ways and Means, — that the bill be amended in section 3 by striking out, in line 2, the figures: “415” and inserting in place thereof the figures: “495”; and in section 8 by inserting after the word “of”, in line 1, the following: “section twenty-seven C of chapter twenty-nine”, — were adopted.

The bill (House, No. 2144, amended) then was ordered to a third reading.

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

Pending the question on adoption of the amendments previously recommended by the Ways and Means, — that the bill be amended in section 1 by striking out, in lines 5 to 10, inclusive, the following: “(a) provided, however, that no such business, commercial or industrial enterprise shall be liable for injuries to persons or property arising out of the provision of such access in the absence of willful, wanton or reckless conduct” (inserted by change) and inserting in place thereof the words “The department shall adopt regulations authorizing the issuance of a certificate of medical need by health care practitioners as defined in chapter ninety-four C of the General Laws to persons with interstitial cystitis, disabling kidney diseases, pregnant women, the incontinent, and others with medical necessity for immediate access to sanitary stations.”; and in section 2 by striking out after the word “forty-nine”, in line 8, the words “; provided, however, that no establishment under the provisions of said section one hundred and thirty-three shall be liable for injuries to persons or property arising out of the provisions of such access
pursuant to a certificate of medical need in the absence of willful, wanton or reckless conduct" (inserted by change) and inserting in place thereof the words "; provided, however, that establishments under the provisions of said section one hundred and thirty-three shall be liable for injuries to persons or property arising out of the provisions of such access to the same extent that such establish-ments would otherwise be liable to business licensees or invitees",— and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Ms. Jehlen of Somerville, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to premium finance agencies (House, No. 2592) 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. Rushing of Boston, until after disposition of the remaining matters in the Orders of the Day.

The House Bill relative to the provision of family child care (House, No. 4303) was read a second time; and it was ordered to a third reading.

The House Bill to reduce sexual harassment in public agencies (House, No. 4548) 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. 5549),— was adopted.

The substituted bill then was ordered to a third reading.

Mr. Serra of Boston being in the Chair,— the House Bill requiring persons engaged in the business of installing and maintaining private water well systems to be registered (House, No. 4994) was read a second time.

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

The House Bill authorizing a capital outlay for the payment of certain court judgments (printed in House, No. 5091, changed) was read a second time; and it was ordered to a third reading.

The House Bill providing for an additional assistant clerk in the First District Court of Bristol (House, No. 5413) was read a second time.

Pending the question on ordering the bill to a third reading, Messrs. Peters of Charlton and Kujawski of Webster moved, there being no objection, that it be amended in section 1 by inserting after
the word "Bristol", in line 4, the words "and by striking out the line reading 'first district court of southern Worcester'"); and in section 2 by inserting after the word "Bristol", in line 4, the words "and by inserting after the line reading 'fourth district court of Plymouth' the following line:— first district court of southern Worcester."

The amendments were adopted; and the bill (House, No. 5413, amended) was ordered to a third reading.

Order.

On motion of Mr. Cohen of Newton,—

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

Mr. Rushing of Boston then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before four o'clock P.M. (Mr. Serra of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.
Met according to adjournment, at eleven o'clock A.M., 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 begin today’s legislative session by turning our thoughts and opening our hearts to You, our Creator. Guide us as we formulate legislation which will address the reasonable expectations of the people, the human need of our communities, and troubling public policy issues of the day. Help us to hold in the highest esteem these family, human and spiritual values which enhance human dignity and respect for each person. Bless our efforts to encourage all people to participate in civic affairs, to develop safe and peaceful communities, and to promote a healthy climate in our schools and homes. Teach us to accept our own responsibilities and to expect others to accept their responsibilities.

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

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

Resolutions.

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

Resolutions (filed by Ms. Brenton of Burlington) commending System Resources Corporation of Burlington on the occasion of its tenth anniversary;

Resolutions (filed by Mr. Brewer of Barre) on the occasion of the one hundredth anniversary of the Saint Augustine Church in Wheelwright;

Resolutions (filed by Mr. Cousins of Newburyport) commending Dennis W. Dow, Patrol Officer of the town of Amesbury Police Department, on the occasion of his retirement;

Resolutions (filed by Mr. Cousins of Newburyport) commending David H. Frost, Patrol Officer of the town of Amesbury Police Department, on the occasion of his retirement;

Resolutions (filed by Mr. Kafka of Sharon) congratulating Lieutenant Harold James “Hap” Donovan on the occasion of his retirement from the Sharon Police Department;

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Lorraine M. Kalil on the occasion of her retirement; and
Resolutions (filed by Mrs. Sprague of Walpole) congratulating Matthew Charles Poletto on receiving the Eagle Award of the Boy Scouts of America;

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. Brewer, 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. Herren of Fall River) 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 Energy be granted until Monday, November 13, 1995, within which to make its final report on current House document numbered 2510, relative to further regulating the sale of certain petroleum products.

Mr. Voke of Boston, for the committees on Rules, reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mr. Cahir of Bourne, 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 Senate document numbered 2050, relative to the reuse and development of the site known as the Metropolitan State Hospital Campus.

Mr. Voke of Boston, for the committees on Rules, reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mr. Cahir of Bourne, 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 5527, relative to authorizing the towns of Egremont, Great Barrington and Monterey to abate certain taxes for losses due to damage caused by the tornado of May twenty-ninth of the current year.

Mr. Voke of Boston, for the committees on Rules, reported that the order ought to be adopted. Under suspension of Rule 42, on motion of Mr. Cahir of Bourne, 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 Tuesday, October 31, 1995, within which to make its final report on current House document numbered 5511, relative to the posting of signs containing certain information at forks or intersections.

Mr. Voke of Boston, for the committees on Rules, 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.

Papers from the Senate.

The engrossed Bill making appropriations for the fiscal year nineteen hundred and ninety-five to improve housing opportunities for elders and persons with disabilities (see House, No. 5270, amended) came from the Senate with an amendment striking out the title and inserting in place thereof the following title: "An Act improving housing opportunities for elders and non-elderly persons with disabilities."

Under suspension of the rules, on motion of Mrs. Harkins of Needham, the amendment was considered forthwith; and it was adopted, in concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2058) of Stanley C. Rosenberg (by vote of the town) for legislation relative to the appointment of the treasurer in the town of Colrain; and

Petition (accompanied by bill, Senate, No. 2059) of Stanley C. Rosenberg (by vote of the town) for legislation relative to the appointment of the tax collector in the town of Colrain;

Severally 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. 2060) of David P. Magnani, John A. Stefanini and Barbara E. Gray for legislation relative to the awarding of contracts in extreme emergencies. To the committee on Local Affairs.

Petition (accompanied by bill, Senate, No. 2061) of Brian P. Lees for legislation to authorize the Commissioner of the Division of Capital Planning and Operations to enter into a lease agreement with the Good Shepherd Association for real estate in Springfield. To the committee on State Administration.

Notice was received that the President of the Senate had appointed Senators Creedon of the Second Plymouth and Bristol District, Norton of the First Bristol District and Tisei of the Third Middlesex
District to the special commission established (under the provisions of Section 293 of Chapter 38 of the Acts of 1995) to investigate the lottery commission's management and oversight of the implementation of the lottery game known as Keno, and related matters.

Reports of Committees.

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

Petition (accompanied by bill) of Edward B. Teague III and Henri S. Rauschenbach relative to the construction of certain facilities in Barnstable County. To the committee on Counties.

Petition (accompanied by bill) of Edward B. Teague III, Jo Ann Sprague, Mary Jeanette Murray and Edward G. Connolly for legislation to increase the minimum rate of compensation to seventy-five dollars for members of the National Guard while serving on active duty; and

Petition (accompanied by bill) of Edward B. Teague III, Henri S. Rauschenbach and Thomas S. Cahir for legislation to authorize the Department of Mental Health to establish a sick leave bank for Ruth Ann Santos, an employee of said department;

Severally to the committee on Public Service.

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

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill further defining childbirth and post partum care benefits (Senate, No. 2057) ought to pass.

Under suspension of Rule 41, on motion of Ms. Chandler of Worcester, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Ms. Chandler moved that it be amended in section 2 by inserting after the following: "thirty-two A", in line 14 (as printed), the words "provided, however, that the standards shall be consistent with the most current guideline established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics;".

The amendment was adopted.

Mr. McDonough of Boston then moved that the bill be amended by striking out section 11; and the amendment was adopted.

The bill, as amended, then was ordered to a third reading.

Under suspension of the rules, on motion of Ms. Chandler, 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.

The bill (Senate, No. 2057, amended) then was sent to the Senate for concurrence in the amendments adopted by the House.
By Mr. Scaccia of Boston, for the committee on Science and Technology, that the Bill to reduce heavy metals in consumer packaging (House, No. 3389) ought to pass with an amendment substituting therefore a Bill with the same title (House, No. 5557). Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

By Mr. Turkington of Falmouth, for the committee on Counties on the part of the House, that the Bill to amend the contributory retirement system for public employees (House, No. 5455) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bills.

The engrossed Bill validating the proceedings of the annual town election in the town of Middleton (see House bill printed in House, No. 5407) (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.

The engrossed Bill improving housing opportunities for elders and non-elderly persons with disabilities (see House, No. 5270, 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.

Engrossed bills

Authorizing the Metropolitan District Commission to close Charles W. Greenough Boulevard in the city known as the town of Watertown on certain Sundays (see Senate, No. 599);
Relative to interest earned on monies seized (see Senate, No. 926);
Relative to the appointment and reappointment of certain police officers (see Senate, No. 1385); and
Providing for the laying out and acceptance for certain ways in the town of Norton (see Senate, No. 2009);
(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.

Senate bills
Relative to the board of water commissioners in the town of Littleton (Senate, No. 1961); and
Authorizing the town of Medway to convey an easement in certain conservation land (Senate, No. 2006);
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.

House bills

Relative to the sale of compressed natural gas for use as motor vehicle fuel (House, No. 3334) (its title having been changed by the committee on Bills in the Third Reading);

Providing for a joint feasibility study relating to a unified transportation system in the Boston metropolitan area (printed in House, No. 5399, changed and amended);

Providing for additional assistant clerks in the District Court Department of the Commonwealth (House, No. 5413, amended) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Webster to abate and refund certain property taxes (House, No. 5447);

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 to clarify early retirement procedure for retirement board employees (House, No. 5458) 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 early retirement procedures for retirement board employees (House, No. 5558), 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 providing access to certain sanitary stations for those with medical necessity (House, No. 2169, changed) was considered, the main question being on ordering it to a third reading.

The amendments previously recommended by the committee on Ways and Means,—that the bill be amended in section 1 by striking out, in lines 5 to 10, inclusive, the words “provided, however, that no such business, commercial or industrial enterprise shall be liable for injuries to persons or property arising out of the provision of such access in the absence of willful, wanton or reckless conduct” (inserted by change) and inserting in place thereof the following words: “(a) The department shall adopt regulations authorizing the issuance of a certificate of medical need by health care practitioners as defined in chapter ninety-four C of the General Laws to persons with interstitial cystitis, disabling kidney diseases, pregnant women, the incontinent, and others with medical necessity for immediate access to sanitary stations.”; and in section 2 by striking out after the word “forty-nine”, in line 8, the words “; provided, however, that no establishment under the provisions of said section one hundred and thirty-three shall be liable for injuries to persons or property arising
Second reading bill amended. out of the provisions of such access pursuant to a certificate of medical need in the absence of willful, wanton or reckless conduct (inserted by change) and inserting in place thereof the words "provided, however, that establishments under the provisions of said section one hundred and thirty-three shall be liable for injuries to persons or property arising out of the provisions of such access to the same extent that such establishments would otherwise be liable to business licensees or invitees",— were adopted. The bill (House, No. 2169, changed and amended) then was ordered to a third reading.

Aquaculture,—

The House Bill authorizing the issuance of farmer license plates to persons engaged in aquaculture (House, No. 3029) was read a second time.

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

"Chapter 90 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking the definition 'Farmer' in Section 1, and inserting in place thereof the following definition:—

'Farmer', a person substantially engaged in the occupation of farming which shall include, but not be limited to, farming in all its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations including, but not limited to, preparations for market, delivery to storage or to market or to carriers for transportation to market.'.

The amendment was adopted; and the bill (House, No. 3029, amended) was ordered to a third reading.

Recess.

At half past eleven o’clock A.M., on motion of Ms. Chandler of Worcester (Mr. Cohen of Newton being in the Chair), the House recessed until the hour of one o’clock P.M.; and at ten minutes after one o’clock the House was called to order with the Speaker in the Chair.

Voter registration.

The Senate Bill establishing confidential voter registration (Senate, No. 991), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.
House bills
Providing for greater accountability on public works projects (House, No. 4216); and
Relative to health insurance for part-time municipal employees (House, No. 4891); and
The Senate Bill relative to the payment of wages (Senate, No. 1929);
Severally were considered.

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

The House Bill relative to the order of eligibility for police and fire service of spouses of certain police officers and firefighters (House, No. 615) was considered, the main question being on passing the bill to be engrossed.

The amendment previously recommended by the Ways and Means,— that the bill be amended by adding at the end thereof the following section:

"SECTION 2. Notwithstanding the provisions of section 26 of chapter 31 and section 100 of chapter 32 of the General Laws, a spouse who becomes a firefighter or police officer pursuant to said section twenty-six of said chapter thirty-one will as of the time said spouse becomes a firefighter or police officer no longer be eligible for pension benefits pursuant to said section one hundred of said chapter thirty-two."— was adopted.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Giglio of Medford moved that it be amended in section 1 by striking out, in line 3, the following: ", 48, 61, 63 and 91" and inserting in place thereof the following: "and 48". The amendment was adopted.

The bill (House, No. 615, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to premium finance agencies (House, No. 2592) was considered.

Pending the question on ordering the bill to a third reading, Mr. Caron of Springfield moved that it be amended by adding at the end thereof the following section:

"SECTION 2. Notwithstanding any general or special law to the contrary, section 21 of Chapter 255C, as appearing in the 1992 Official Edition, is hereby amended by striking the third sentence and substituting in place thereof the following sentences:— A premium finance agency shall give notice of cancellation to the policyholder by delivering in hand to the named policyholder, or be left at his last address, at his last business, residence or other address known to the premium finance agency, or be forwarded to said address by first class mail, postage prepaid, and a notice left or forwarded, as aforesaid, shall be deemed a sufficient notice. No written
notice of cancellation shall be deemed effective when mailed by the premium finance agency unless said agency obtains a certificate of mailing receipt from the United States Postal Service, but any notice of the intent to cancel as required by section thirty-four K of chapter ninety may be given by first class mail."

The amendment was adopted; and the bill (House No. 2592, amended) was ordered to a third reading.

The House Bill requiring persons engaged in the business of installing and maintaining private water well systems be registered (House, No. 4994) was considered.

Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Natural Resources and Agriculture, on motion of Mrs. Gray of Framingham.

Recess.

At half past one o'clock P.M., on motion of Mr. Cohen of Newton, the House recessed until a quarter before two o'clock P.M.; and at that time the House was called to order.

Order.

On motion of Mr. Miceli of Wilmington,—

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

Mr. Keenan of Blandford 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 three minutes before two o'clock P.M. (the Speaker being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.
Thursday, October 19, 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 express our gratitude to You for Your personal interest in our material and spiritual well-being. Guide us as we formulate public policy and make our political, ethical and social decisions. Help us to unite people in causes which serve the best interests of the people and society. Strengthen our efforts, as a society, to adopt the basic values which we hold in common. Let peace fill our hearts, and creativity our minds, as we address today's challenges, and as we plan for the future of our communities and of the people.

Grant 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.

Messages 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. 5567) was filed in the office of the Clerk on Wednesday, October 18.

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

A message from His Excellency the Governor recommending legislation relative to authorizing capital outlays for investments in educational technology (House, No. 5568) was filed in the office of the Clerk on Wednesday, October 18.

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

A message from His Excellency the Governor recommending legislation relative to requiring statewide finger imaging of applicants and recipients of cash assistance from the Department of Transitional Assistance (House, No. 5565) was filed in the office of the Clerk on Tuesday, October 17.
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 the zoning of antenna structures used by federally licensed amateur radio operators [see House, No. 2782, amended] (for message, see House, No. 5569) was filed in the office of the Clerk on Wednesday, October 18.

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

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

Messages from the Governor — Vetoes.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill establishing a code of corporate standards relative to China for companies receiving certain state funds [see House, No. 4909] (for message, see House, No. 5570) was filed in the Office of the Clerk on Thursday, August 3.

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

The bill then was placed, under Rule 12, in the Orders of the Day for the next sitting, the question being: "Shall the bill pass, notwithstanding the objections of His Excellency the Governor?".

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill increasing the minimum wage for certain employees [see House, No. 5153, amended] (for message, see House, No. 5571) was filed in the Office of the Clerk on Tuesday, October 17.

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

The bill then was placed, under Rule 12, in the Orders of the Day for the next sitting, the question being: "Shall the bill pass, notwithstanding the objections of His Excellency the Governor?".
Resolutions.

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

- Resolutions (filed by Speaker Flaherty of Cambridge) on the occasion of the dedication of the Agassiz School in the city of Cambridge;
- Resolutions (filed by Speaker Flaherty of Cambridge) on the occasion of the dedication of the Daniel A. Haggerty School in the city of Cambridge;
- Resolutions (filed by Mr. Keenan of Blandford) congratulating Al Spillane on the occasion of his eightieth birthday and recognizing his service to the town of Southwick;
- Resolutions (filed by Mr. Locke of Wellesley) congratulating Benjamin David Lee on receiving the Eagle Award of the Boy Scouts of America;
- Resolutions (filed by Mr. Naughton of Clinton) congratulating Christopher M. McKee on receiving the Eagle Award of the Boy Scouts of America; and
- Resolutions (filed by Mr. Poirier of North Attleborough) congratulating Catherine J. White on being named "Woman of the Year" by the Attleboro Area Business and Professional Women;

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

Communications.

A communication from the Commissioner of Insurance (under Paragraph (2) of Clause F of Section 117C of Chapter 175 of the General Laws) relative to a summary of insurance claims experience and loss ratio data on credit life insurance and credit accident and health insurance, was sent to the Senate for its information.

A communication from the Personnel Administrator (under Section 25(3) of Chapter 31 of the General Laws) transmitting promotional notice relative to the revocation of the eligible list for the positions of police captain, lieutenant and sergeant, was placed on file.

Annual and Special Reports.

Annual reports
Of the Massachusetts Legal Assistance Corporation (under Section 10 of Chapter 221A of the General Laws) relative to the description and evaluation of each program and a summary of the expenditures for such programs for the fiscal year ending June 30, 1995; and
Of the Industrial Service Program (under Section 14 of Chapter 23D of the General Laws) relative to the economic stabilization trust's activities for the fiscal year 1995; Severally were placed on file.

Reports

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its findings and recommendations as a result of an inspection of the Hillside Shelter Care located in the city of Boston;

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 Park Drive Pre-release Center located in the city of Boston;

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 Bristol County Jail and House of Correction located in the town of Dartmouth;

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its finding and recommendations as a result of an inspection of the Bristol County Pre-release Center located in the town of Dartmouth;

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

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its finding and recommendations as a result of an inspection of the Western Massachusetts Correctional Alcohol Center located in the city of Springfield; and

Of the Department of Public Health (under Section 20 of Chapter 111 of the General Laws) of its finding and recommendations as a result of an inspection of the Hampden County Detention Center located in the city of Westfield; Severally sent to the Senate for its information.

Petitions.

Mr. LeLacheur of Lowell presented a petition (subject to Joint Rule 12) of Edward A. LeLacheur and other members of the General Court for legislation to authorize the appropriation of a certain sum of money for the construction of a stadium at the University of Massachusetts at Lowell; 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. LeLacheur, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Ways and Means. Sent to the Senate for concurrence in the suspension of Joint Rule 12.
Petitions severally were presented and referred as follows:

By Mr. Angelo of Saugus (by request), petition (subject to Joint Rule 12) of Peter Fronteira for legislation to authorize the Registrar of Motor Vehicles to issue special license plates for the Knights of Columbus.

By Mr. Brewer of Barre, petition (subject to Joint Rule 12) of Stephen M. Brewer, Cele Hahn and George N. Peterson, Jr., relative to workers' compensation.

By Mrs. Cleven of Chelmsford (by request), petition (subject to Joint Rule 12) of Verton W. Lenfest for legislation to prohibit any person who assists in the suicide of another to benefit in any way from the death of such person.

By the same member (by request), petition (subject to Joint Rule 12) of Verton W. Lenfest for legislation to increase the penalties for crimes committed by public employees.

By the same member (by request), petition (subject to Joint Rule 12) of Abigail Brzezinski for legislation to exempt sales of feminine hygiene products from the provisions of the sales tax.

By Mr. Cresta of Wakefield, petition (subject to Joint Rule 12) of Brian M. Cresta and Daniel J. Valianti relative to fees for parking motor vehicles at state colleges and universities.

By Mr. Dempsey of Haverhill, petition (subject to Joint Rule 12) of Brian S. Dempsey for legislation to authorize the Commissioner of the Department of Environmental Management to lease certain facilities.

By Ms. Gardner of Holliston, petition (subject to Joint Rule 12) of Barbara Gardner for legislation to require banks to provide certain information concerning mutual funds.

By Mr. Glodis of Worcester, petition (subject to Joint Rule 12) of William J. Glodis, Jr., John J. Binienda, Matthew J. Amorello, Vincent A. Pedone, Robert A. Bernstein and Harriette L. Chandler for legislation to authorize the Chief Medical Examiner to maintain a pathology laboratory in the city of Worcester.

By Mr. Hall of Westford (by request), petition (subject to Joint Rule 12) of Sandra A. DiVincenzo for legislation to increase the cost-of-living allowances for retired public employees.

By Mr. Kafka of Sharon, petition (subject to Joint Rule 12) of Louis L. Kafka for legislation to further regulate public access to certain records of the Registry of Motor Vehicles.

By Mr. Kennedy of Brockton, petition (subject to Joint Rule 12) of Thomas P. Kennedy relative to the transfer of municipal licenses.

By Mr. Manning of Milton, petition (subject to Joint Rule 12) of M. Joseph Manning relative to the taxation of direct and cooperative direct mail promotional advertising materials.

By Mrs. Paulsen of Belmont, petition (subject to Joint Rule 12) of Anne M. Paulsen, Steven A. Tolman and Anthony J. Verga for legislation to increase the penalties for violations of safety precautions at railroad crossings.

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

A Bill authorizing the town of Bolton to lease a certain parcel of land to Southwestern Bell Mobile Systems, Inc., for the purposes of constructing a communications facility thereon (Senate, No. 1983) (on a petition), passed to be engrossed by the Senate, was read [Local Approval Received].

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

A Bill authorizing emergency repairs to the Loring Arena in Framingham (printed in Senate, No. 2062) (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read.

Under suspension of the Rule 41, on motion of Mr. Stefanini of Framingham, 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. Gray of Framingham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: An Act authorizing emergency repairs to the Loring Arena in the town of Framingham.

A petition of Bruce E. Tarr, Frank G. Cousins, Jr., James P. Jajuga, Harriett L. Stanley and Anthony J. Verga for legislation relative to the Essex County mosquito control project, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2065) was referred, in concurrence, to the committee on Natural Resources and Agriculture.

Reports of Committees.

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

Of the petition (accompanied by bill, House, No. 341) of the Massachusetts Organization of State Engineers and Scientists and Marie J. Parente relative to the reorganization of the Group Insurance Commission;

Of the petition (accompanied by bill, House, No. 1333) of Alvin E. Thompson for legislation to modify the employee representation on the Group Insurance Commission;
Of the petition (accompanied by bill, House, No. 1536) of Alvin E. Thompson and Stanley C. Rosenberg for legislation to make certain changes relative to employee representation on the Group Insurance Commission; and

Of the petition (accompanied by bill, House, No. 3748) of Daniel E. Bosley and Stanley C. Rosenberg for legislation to modify employee representation on the Group Insurance Commission;

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

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

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

Of so much of the recommendations of the Group Insurance Commission (House, No. 133) as relates to repaying the Group Insurance Commission Employee Trust Fund (accompanied by bill, House, No. 134); and

Of the petition (accompanied by bill, House, No. 5424) of Robert Correia for legislation to further regulate the transfer of certain municipal police officers;

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

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

By Mr. Petrolati of Ludlow, for the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 5134) of Stephen M. Brewer for legislation to clarify license fees and service charges of municipalities,— and recommending that the same be referred to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Toomey of Cambridge, for the committee on Education, Arts and Humanities, on House, No. 2352, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study relative to special education in the Commonwealth (House, No. 5562).

By Mr. Petrolati of Ludlow, for the committee on Public Service, on Senate, Nos. 1886, 2010 and 2019 and House, Nos. 133, 135, 765, 5233, 5293, 5307, 5383 and 5449, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning fraud and waste in state government, regulating benefits for public officials and employees, and other related public service employee matters (House, No. 5563).

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.

By Mr. Toomey of Cambridge, for the committee on Education, Arts and Humanities, on Senate, No. 1787 and House, Nos. 305, 1448, 2360, 3509 and 4446, a Bill relative to special education (House, No. 5564) [Estimated Cost: $46,968,000.00]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill relative to sexual harassment, education and training in the workplace (House, No. 4052) ought to pass with certain amendments. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Petrolati of Ludlow, for the committee on Public Service, on a petition, a Bill authorizing the town of Rockport to offer health insurance to certain elected officials and employees (House, No. 5346) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to the clerical position in the office of the council on aging in the town of Billerica (House, No. 5395) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill relative to elected officials in the town of Seekonk (House, No. 5434) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the certification to the eligible list for appointment as police officers in the city of Waltham (House, No. 5474) [Local Approval Received].

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

**Proposal for a Legislative Amendment to the Constitution.**

A report of the committee on State Administration, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 1031) of Walter J. Ziobro, Jr., for a legislative amendment to the Constitution requiring that all fee increases be submitted to the voters, was placed on file, under the provisions of Joint Rule 23, the time within which said committee was required to report having expired.
Engrossed Bills.

Engrossed bills
Establishing confidential voter registration (see Senate, No. 991); Relative to the board of water commissioners in the town of Littleton (see Senate, No. 1961); and Authorizing emergency repairs to the Loring Arena in the town of Framingham (see Senate bill printed in Senate, No. 2062); (Which severally originated in the Senate); and Designating a certain bridge in the town of Northbridge as the Floyd Convent Bridge (see House, No. 5450) (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.

Order.

On motion of Mr. Bosley of North Adams,—


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


At thirteen minutes before twelve o'clock noon, on motion of Mr. Bosley, the House adjourned, to meet on Monday next at eleven o'clock A.M.
Met according to adjournment, at eleven o'clock A.M., with Mrs. Menard of Somerset in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Almighty God, we depend upon Your gift of wisdom to guide us as we carry out our personal and constitutional responsibilities. In addressing the issues of the day, teach us to be aware of the present and future needs of the people, and of our communities, during these changing times. Grant us the knowledge and the courage to strengthen our institutions so that the common values of personal integrity, of responsibility, of patriotism, of civic pride, and of concern for our neighbors' well-being are held in the highest esteem. Teach us to be open to those changes in society which promote human dignity, equal opportunity for all, and respect for each person's innate rights.

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

At the request of the Chair (Mrs. Menard), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to the terms of certain notes to be issued by the Commonwealth (House, No. 5573) was filed in the office of the Clerk on Friday, October 20.

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 authorizing the Massachusetts Water Resources Authority to dispose of property in the Quincy Shipyard (House, No. 5572) was filed in the office of the Clerk on Friday, October 20.

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

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:
Resolutions (filed by Speaker Flaherty of Cambridge) honoring William B. Ellis on the occasion of his retirement;
Resolutions (filed by Mr. DeLeo of Winthrop) commending Hildegarde Dreist on the occasion of her retirement;
Resolutions (filed by Messrs. Iannuccillo of Lawrence and Broadhurst of Methuen) congratulating Mr. and Mrs. Nicholas S. Catalano on the occasion of their fiftieth wedding anniversary;
Resolutions (filed by Mr. Kennedy of Brockton) honoring Sister Ruth Sheridan on the occasion of her sixty-fifth anniversary of vows as a Sister of Charity of Halifax, Nova Scotia;
Resolutions (filed by Mr. Marzilli of Arlington) congratulating Manuel Weiner on receiving the Frank J. Manning Award of Minuteman Home Care; and
Resolutions (filed by Mr. Travis of Rehoboth) congratulating Joshua Norman LaBrie on receiving the Eagle Award of the Boy Scouts of America;

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. Flaherty, 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 8, 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. Angelo of Saugus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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 Thursday, November 2, 1995, within which to make its final report on current House documents numbered 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. 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 Friday, December 29, 1995, within which to make its final report on current House document numbered 5523.

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 of Saugus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Mr. Gauch of Shrewsbury presented a petition (accompanied by bill, House, No. 5575) of Ronald W. Gauch and Matthew J. Amorello (by vote of the town) relative to the appointment of the town manager in the town of Shrewsbury; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Kelly of Dalton, petition (subject to Joint Rule 12) of Shaun P. Kelly and Stanley C. Rosenberg relative to the establishment of an enterprise fund by the Shelburne Falls Fire District.

By Mr. Teague of Yarmouth, petition (subject to Joint Rule 12) of Edward B. Teague III, other members of the House and others relative to prisoners and prison conditions in the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Edward B. Teague III and Henri S. Rauschenbach (by vote of the town) relative to the transfer of certain funds of the town of Dennis concerning abandoned property and eminent domain proceedings.

By Mr. Thompson of Cambridge, petition (subject to Joint Rule 12) 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.

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

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 2066) of Robert D. Wetmore and Harold M. Lane, Jr. (by vote of the town) for legislation to establish an infrastructure investment fund in the town of Winchendon, was referred, in concurrence, to the committee on Local Affairs.

Reports of Committees.

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 benefits for public employees and other related matters
(House, No. 5017), reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1022) of the Professional Fire Fighters of Massachusetts and Alvin E. Thompson for legislation to make certain changes in the civil service law,— 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. Angelo of Saugus, for the committee on Government Regulations, on House, Nos. 5541 and 5542, a Bill relative to the licensing of auctioneers (House, No. 5542). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Finneran of Boston, for the committee on Ways and Means, that the Bill to further regulate the rental voucher program in the Commonwealth (House, No. 5112) ought to pass with certain amendments. Placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Glodis of Worcester, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the results of a special debt exclusion election held in the town of Brookfield on May twentieth, nineteen hundred and ninety-five (printed in House, No. 5341). Read; and placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

The engrossed Bill relative to the terms of certain bonds and notes to be issued by the Commonwealth (see House bill printed in House, No. 5403), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

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 — Land Takings.

The engrossed Bill authorizing the town of Bolton to lease a certain parcel of land to Southwestern Bell Mobile Systems, Inc. for the purposes of constructing a communications facility thereon (see Senate, No. 1983) (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.
Bill enacted (land taking),—
yea and nay
No. 233.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No, 233 in Supplement.]

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

Medway,—
Farm Street
conservation
land.

Bill enacted (land taking),—
yea and nay
No. 234.

The engrossed Bill authorizing the town of Medway to convey an easement in certain conservation land (see Senate, No. 2006) (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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 234 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.

Senate bills
Increasing the amount of certain retirement or death benefits which may be paid by the Watertown Police Relief Association, Incorporated (Senate, No. 1543); and
Providing for recall elections in the town of Princeton (Senate, No. 2025) (its title having been changed by the committee on Bills in the Third Reading);
Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills
Increasing the review period for certain projects upon written request of a municipality (House, No. 1349);
Relative to family child care (House, No. 4303) (its title having been changed by the committee on Bills in the Third Reading);
Authorizing the town of Concord to grant a certain conservation restriction (House, No. 5073, changed); and
Authorizing the Division of Capital Planning and Operations to convey certain easements in the town of Tewksbury (House, No. 5534) (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 authorizing a capital outlay for the payment of certain court judgments (printed in House, No. 5091, changed) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by striking out sections 5 and 6 (inserted by change) and inserting in place thereof the following two sections:

"SECTION 5. Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as amended by section 181 of chapter 60 of the acts of 1994, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act, shall not exceed the sum of three billion three hundred million dollars outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued, shall be excluded in the computation of outstanding bonds.

SECTION 6. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as amended by section 182 of said chapter 60, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act shall not exceed the sum of three billion three hundred million dollars outstanding; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in computation of outstanding bonds.").

The amendment was adopted; and the bill (printed in House, No. 5091, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

House bills
Authorizing the town of Rockport to offer health insurance to certain elected officials and employees (House, No 5346);
Relative to the clerical position in the office of the council on aging in the town of Billerica (House, No. 5395);
Relative to elected officials in the town of Seekonk (House, No. 5434); and
Authorizing the certification to the eligible list for appointment as police officers in the city of Waltham (House, No. 5474);
Severally were read a second time; and they were ordered to a third reading.

The Senate Bill relative to the structure, management and operation of state-chartered credit unions (Senate, No. 1879, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. DiMasi of Boston moved that it be amended in section 1 by
inserting after the word "directors", in line 6, the words "; provided, however, that such board may consist of more than fifteen members, if the board receives written permission from the commissioner".

The amendment was adopted; and the bill (Senate, No. 1879, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

The House Bill concerning the renewal of permits and licenses issued by the Department of Public Health (House, No. 5485) was read a third time.

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

Pending the question on passing the bill to be engrossed, Mr. Cohen of Newton moved that it be amended by substitution of a Bill relative to the renewal of certain permits and licenses issued by the Department of Public Health (House, No. 5574), which was read.

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

Recesses.

At a quarter after eleven o'clock A.M., on motion of Mr. Fagan of Taunton (Mrs. Menard of Somerset being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Serra of Boston in the Chair.

The House thereupon, on motion of Mr. Flaherty of Cambridge, took a further recess until half past one o'clock; and at time the House was called to order with Mr. Serra in the Chair.

On further motion of Mr. Flaherty, the House thereupon took a further recess until the hour of two o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

Police and firefighters,— reinstatement.

The House Bill relative to the reimbursement of certain costs associated with the reinstatement of police officers and firefighters (House, No. 4770) (its title having been changed by the committee on Bills in the Third Reading), reported by the 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 providing for greater accountability on public works projects (House, No. 4216) 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 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. Bosley of North Adams, until after disposition of the remaining matters in the Orders of the Day.

The House Bill to authorize the construction, development and renovation of a new convention center in the Commonwealth (House, No. 5550) 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. Finneran of Boston, until after disposition of the remaining matters in the Orders of the Day.

The engrossed Bill establishing a code of corporate standards relative to China for companies receiving certain state funds (see House, No. 4909) (which had been returned to the House by His Excellency the Governor with his objections thereto in writing) [for veto message, see House, No. 5570] was considered. Under the provisions of Article II of Section I of Chapter I of the Constitution the House proceeded to “reconsider” the said bill. Pending the question on passing the bill, notwithstanding the said objections, further consideration thereof was postponed, on motion of Mr. Bosley of North Adams, until the next sitting, and specially assigned to the hour of one o’clock P.M.

The engrossed Bill increasing the minimum wage for certain employees (see House, No. 5153, amended) (which had been returned to the House by His Excellency the Governor with his objections thereto in writing) [for veto message, see House, No. 5571] was considered. Under the provisions of Article II of Section I of Chapter I of the Constitution, the House proceeded to “reconsider” the said bill. Pending the question on passing the bill, notwithstanding the said objections, further consideration thereof was postponed, on motion of Mr. Voke of Boston, until the next sitting, and specially assigned to the hour of one o’clock P.M.

The House Bill relative to sexual harassment, education and training in the workplace (House, No. 4052) was read a second time. The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1 by striking out the paragraph contained in lines 24 to 27, inclusive; and by striking out section 3,— were rejected. The bill (House, No. 4052) then was ordered to a third reading.

The House Bill relative to health insurance for part-time municipal employees (House, No. 4891) was considered. Pending the question on ordering the bill to a third reading, it was recommitted to the committee on Public Service, on motion of Mr. Petrolati of Ludlow.
Order.

On motion of Mr. Serra of Boston,—

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

Ms. Chandler of Worcester 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-five minutes before three o'clock P.M. (the Speaker being in the Chair) the House adjourned, to meet tomorrow at eleven o'clock A.M.
Tuesday, October 24, 1995.

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

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

God, Our Creator, we pause for this moment of prayer to reflect on Your reality, Your presence in the world about us, and on the spiritual and human values which You have made known to us. Inspire us to keep alive in our minds and hearts the spiritual dimension of life. Guide us as a people to recognize personal responsibility for the decisions and choices which we make daily. Let all people as members of the human family (parents, young people and seniors), accept their responsibilities as citizens. Bless and guide our efforts to make our streets, schools and homes safe, peaceful and free of violence in all forms. Direct our efforts to promote courses which support and respect human dignity and human rights.

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

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.

Guests of the House.

During consideration of the Orders of the Day, the Speaker declared a recess subject to the call of the Chair, there being no objection; and introduced Mr. Harry Wu, the Executive Director of the Laogai Research Foundation and a resident scholar at Stanford University’s Hoover Institution. Mr. Wu is a former political prisoner who spent nineteen years in China’s clandestine system of forced labor camps (the Laogai) before being released in 1979. On his fourth return to China he was arrested and charged with stealing state secrets. Under pressure from the United States government, he was recently released and returned to the United States. Mr. Wu, who was accompanied by his wife, Ching Lee Wu, then addressed the House. They were the guests of the Speaker, Mr. Bosley of North Adams and all the members of the House.

Resolutions.

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

Resolutions (filed by Representatives Chesky of Holyoke and DeFilippi of West Springfield) congratulating Karen Kierstead on
being honored as the Italian Progressive Society's nineteen hundred and ninety-five Outstanding Citizen of the Year;

Resolutions (filed by Mrs. Hahn of Westfield) congratulating Mr. and Mrs. Kenneth Piper, Sr., on the occasion of their sixtieth wedding anniversary; and

Resolutions (filed by Mr. Marzilli of Arlington) congratulating Matthew M. Bowman on receiving the Eagle Award of the Boy Scouts of America;

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. Marzilli, 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:

Lawrence.—
Holy Trinity Church.

Phillip F.
Flaherty.

Resolutions (filed by Representatives Iannuccillo of Lawrence, Coon of Andover and Cuomo of North Andover) congratulating Holy Trinity Church in the city of Lawrence on the occasion of its ninetieth anniversary; and

Resolutions (filed by Representatives Lewis of Dedham, Lane of Holden and Rogers of Norwood) congratulating Phillip F. Flaherty on the occasion of his retirement as Principal of Westwood High School;

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

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Gardner of Holliston, petition (accompanied by bill, House, No. 5579) of Barbara Gardner and David P. Magnani (by vote of the town) for legislation to authorize the town of Hopkinton to grant an easement on certain conservation land to the parks and recreation commission of said town. To the committee on Local Affairs.

By Mrs. Sprague of Walpole, petition (accompanied by bill, House, No. 5576) of Jo Ann Sprague, John H. Rogers and William R. Keating (by vote of the town) for legislation to authorize the sewer and water commission of the town of Walpole to enter into an agreement with Hollingsworth & Vose to provide for an equitable method for assessing sewer charges. To the committee on Natural Resources and Agriculture.

By Mr. Vallee of Franklin, petition (accompanied by bill, House, No. 5580) of James E. Vallee and David P. Magnani (by vote of the
town) for legislation to authorize the town of Franklin to convey a certain parcel of land to Roger A. Rondeau, notwithstanding the competitive bidding laws. To the committee on State Administration. Severally sent to the Senate for concurrence.

Reports of Committees.

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

Petition (accompanied by bill) of Stephen M. Brewer, Cele Hahn and George N. Peterson, Jr., relative to workers’ compensation. To the committee on Commerce and Labor.

Petition (accompanied by bill) of Thomas P. Kennedy relative to the transfer of municipal licenses. To the committee on Local Affairs.

Under suspension of Rule 42, on motion of Mr. Peterson of Grafton, 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 Carol C. Cleven for legislation to further regulate the placing of liens for certain sewer, drain and sidewalk betterments. Under suspension of Rule 42, on motion of Mrs. Cleven of Chelmsford, 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. Turkington of Falmouth, for the committee on Counties on the part of the House, that the Bill authorizing certain public employees creditable retirement service time for active service in the armed forces (Senate, No. 1999) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5577. Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Engrossed Bills.

The engrossed Bill relative to the early retirement of John E. MacLeod, an employee of the water supply district of the town of Acton (see House, No. 4866) (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.
Engrossed bills

Increasing the amount of certain retirement or death benefits which may be paid by the Watertown Police Relief Association, Incorporated (see Senate, No. 1543); and

Providing for recall elections in the town of Princeton (see Senate, No. 2025);

(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.

Reconsideration.

Mr. Connolly of Everett moved that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed, in concurrence, the Senate Bill relative to the structure, management and operation of state-chartered credit unions (Senate, No. 1879, amended); and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed, in concurrence, it was recommitted to the committee on Bills in the Third Reading, on further motion of the same member.

Orders of the Day.

House bills

Authorizing the appointment of certain persons as police officers in the city of Waltham (House, No. 5474) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the use of a certain parcel of land in the town of Sherborn (House, No. 5492);

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

The House Bill relative to farmer-wineries (House, No. 318) 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 farmer wineries (House, No. 5578), 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 validating the results of a special debt exclusion election held in the town of Brookfield on May twentieth, nineteen hundred and ninety-five (printed in House, No. 5341) was read a second time; and it was ordered to a third reading.

The House Bill to further regulate the rental voucher program in the Commonwealth (House, No. 5112) was read a second time.
The amendments previously recommended by the committee on Ways and Means.—that the bill be amended by striking out, in lines 6 and 7, the words "engaged in drug-related criminal activity or violent criminal activity" and inserting in place thereof the words "unlawfully possessed, sold, or possessed with intent to distribute a controlled substance as defined in classes A, B, or C of section thirty-one of chapter ninety-four C of the General Laws or engaged in other criminal conduct which seriously threatened or endangered the health or safety of another tenant or any other person"; by inserting after the word "program", in lines 23 and 24, the words "and cessation of illegal drug use"; and by inserting after the word "heard", in line 28, the words "by the housing authority or housing agency",—were adopted.

The bill (House, No. 5112, amended) then was ordered to a third reading.

The House Bill authorizing the issuance of farmer license plates to persons engaged in aquaculture (House, No. 3029, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

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

"SECTION 2. Paragraph (d) of section 5 of chapter 90 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding at the end thereof the following paragraph:

The organization described in section 4A of chapter 33 shall be eligible to obtain a farm plate, on any tractors or trailers owned by it and used in carrying out its official duties.".

The amendment was adopted; and the bill (House, No. 3029, amended) was passed to be engrossed. Sent to the Senate for concurrence.

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

The engrossed Bill establishing a code of corporate standards relative to China for companies receiving certain state funds (see House, No. 4909) (which had been returned to the House by His Excellency the Governor with his objections thereto in writing) [for veto message, see House, No. 5570] was considered.

Under the provisions of Article II of Section I of Chapter I of the Constitution, the House proceeded to "reconsider" the said bill.
Bill passed over veto,—yea and nay No. 235.

Minimum wage,—increase.

Bill passed over veto,—yea and nay No. 236.

Statement of Representative Murphy of Springfield.

Public works projects,—accountability.

Convention center,—development.

After debate the question on passing the bill, notwithstanding the said objections, was determined by the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 123 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 235 in Supplement.]

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

The engrossed Bill increasing the minimum wage for certain employees (see House, No. 5153, amended) (which had been returned to the House by His Excellency the Governor with his objections thereto in writing) [for veto message, see House, No. 5571] was considered.

Under the provisions of Article II of Section I of Chapter I of the Constitution, the House proceeded to "reconsider" the said bill.

After debate (Mr. Fitzgerald of Boston being in the Chair) the question on passing the bill, notwithstanding the said objections, was determined by the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call (Mrs. Menard of Somerset being in the Chair) 127 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 236 in Supplement.]

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

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

MADAM SPEAKER: During the taking of the above yeas and nays, I was present in the House Chamber and voted in the affirmative. Nevertheless I now find that due to an error in the electronic voting machine, I was not recorded as having voted. Had the voting machine been in proper working order, I would have been recorded in the affirmative.

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

The House Bill providing for greater accountability on public works projects (House, No. 4216) was considered.

Pending the question on ordering the bill to a third reading, Mr. Tolman of Boston moved that it be amended by substitution of a bill with the same title (House, No. 5582), which was read.

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

There being no objection,—the House Bill to authorize the construction, development and renovation of a new convention center in the Commonwealth (House, No. 5550) was considered.
Pending the question on ordering the bill to a third reading, Mr. Finneran of Boston moved that it be amended by substitution of a Bill relative to the construction of a new convention center for the Commonwealth in the city of Boston (House, No. 5581), which was read.

After remarks (Mr. Serra of Boston being in the Chair), Mr. Teague of Yarmouth moved that further consideration of the subject-matter be postponed until Monday, October 30, and specially assigned to the hour of one o’clock P.M.

After remarks on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of Mr. Teague; and on the roll call 43 members voted in the affirmative and 110 in the negative.

[See Yea and Nay No. 237 in Supplement.]

[Mr. Casey of Winchester answered “Present” in response to his name.]

Therefore the motion to postpone was negatived.

Messrs. Teague of Yarmouth and Guerriero of Melrose moved, there being no objection, that the proposed substitute bill be amended in section 3 by inserting after the word “Authority,”, in line 13, the following sentence: “The crosstown site, so-called will be subject to the same type of studies, reports, and specifications.”.

After debate on the question on adoption of the further amendment (Mr. Voke of Boston being in the Chair), the sense of the House was taken by yeas and nays, at the request of Ms. Lewis of Bridgewater; and on the roll call 37 members voted in the affirmative and 117 in the negative.

[See Yea and Nay No. 238 in Supplement.]

[Mr. Casey of Winchester answered “Present” in response to his name.]

Therefore the further amendment was rejected.

Mr. Hynes of Marshfield then moved that the proposed substitute bill be amended by adding at the end thereof the following section:

“SECTION 7. The secretary of environmental affairs shall determine whether the so-called South Boston construction site, in whole or in part, is water dependent; and should that determination be made, said secretary shall make recommendations to the division of capital planning and operations, the house and senate committees on ways and means, and any other committee or commission established by the legislature to study said site, regarding any construction activities which would harm its water dependency or limit public access to the water.”.

The further amendment was adopted.

The amendment offered by Mr. Finneran of Boston,— that the bill be amended by substitution of a Bill relative to the construction of a new convention center for the Commonwealth in the city of Boston, as amended,— then was adopted.

On the question on ordering the substitute bill (House, No. 5581, printed as amended) to a third reading, the sense of the House was
Bill rejected,—

yea and nay
No. 239.

taken by yeas and nays, at the request of Ms. Lewis of Bridgewater; and on the roll call 71 members voted in the affirmative and 80 in the negative.

[See Yea and Nay No. 239 in Supplement.]

[Mr. Casey of Winchester answered “Present” in response to his name.]

Therefore the House refused to order the substituted bill to a third reading.

Order.

On motion of Ms. Khan of Newton,—

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

Mr. Wagner of Chicopee 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 eleven minutes after four o’clock P.M. (Mr. Voke of Boston being in the Chair), the House adjourned, to meet on Thursday next at eleven o’clock A.M., in an Informal Session.
Thursday, October 26, 1995.

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

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

Lord God, we turn our thoughts to You and ask for Your guidance at the beginning of this legislative session. We take this moment to pray for that peace of mind and heart which You alone can bestow upon us. Your gift of peace enables us to live at peace with You, ourselves and our neighbors. It also helps us to make objective legislative decisions and sound judgments. During these times of significant social and economic changes, guide our quest for just and fair legislative solutions. Teach us to be open to those cultural changes which serve the best political, social and ethical interests of people and society.

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.

Statement of Representative Koczera of New Bedford.

Before proceeding to consideration of the Orders of the Day, 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: I would like to call to the attention of the House the fact that on Tuesday, October 24, I was in the State House attending a meeting in my office relative to the restoration of rail service in the city of New Bedford. As I arrived in the House Chamber to vote on Roll Call No. 239, the Chair (Mr. Voke of Boston) was in the process of adjourning the session for the day. Had I been present when the above vote was taken on ordering to a third reading House bill No. 5581 (new convention center), I would have been recorded in the negative.

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

Resolutions.

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

Resolutions (filed by Speaker Flaherty of Cambridge) congratulating Jocelyn Gray Dever on the occasion of her fiftieth birthday;
Resolutions (filed by Representatives Cohen of Newton, Chandler of Worcester, Kaufman of Lexington, Khan of Newton, Kraus of Kingston and Straus of Mattapoisett) honoring Barry Shrage;

Resolutions (filed by Mr. Cresta of Wakefield) congratulating Joshua J. Woodbury on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Hahn of Westfield) congratulating K-C Aviation on receiving the "Green Business" Award of the Barnes Aquifer Protection Advisory Committee;

Resolutions (filed by Mr. Panagiotakos of Lowell) honoring Dean Tavoularis, motion picture production designer, on being named "Man of the Year" by the Lowell Hellenic Cultural Society; and

Resolutions (filed by Messrs. Tolman of Boston and Honan of Boston) congratulating Mr. and Mrs. LaFayette Robinson on the occasion of their fiftieth wedding anniversary;

Mr. Serra of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of Rule 41, in each instance, on motion of Mr. Tolman, 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. Owens-Hicks 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 Education, Arts and Humanities be granted until Wednesday, November 15, 1995, within which to make its final report on current Senate document numbered 2054; and on current House documents numbered 1816 and 5338.

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. Rushing of Boston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

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 documents numbered 5408, 5479 and 5553.

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. Rushing of Boston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.
The following order (filed by Mr. Rushing 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 Insurance be granted until Wednesday, November 15, 1995, within which to make its final report on current Senate document numbered 793; and on current House documents numbered 1106, 2757, 5465 and 5536.

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. Rushing, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. DeLeo of Winthrop) 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 Local Affairs be granted until Wednesday, November 15, 1995, within which to make its final report on current Senate documents numbered 2030, 2037, 2058, 2059, 2060 and 2066; and on current House documents numbered 5318, 5432, 5451, 5473, 5486, 5491 and 5543.

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. Rushing of Boston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Annual and Special Reports.

The annual report of the Manufactured Home Commission (under Section 108 of Chapter 6 of the General Laws) of its activities for the fiscal year ending June 30, 1995; and

A bi-monthly report of the Executive Office of Transportation and Construction (under Section 178 of Chapter 653 of the Acts of 1989) submitting an account of the costs incurred in connection with the depression of the Central Artery and the construction of a third harbor tunnel; 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 June, 1995; and

Of the Bureau of Special Investigations (submitted under authority of Section 15D(6) of Chapter 22 of the General Laws) for the month of September, 1995;

Severally sent to the Senate for its information.

The annual report of the Merrimack Valley Regional Transit Authority (under Section 8(g) of Chapter 161B of the General Laws) of its operations for the fiscal year ending June 30, 1995; and

Insurance committee,— extension of time for reporting.

Local Affairs committee,— extension of time for reporting.

Manufactured Home Commission.

Central Artery and third harbor tunnel.


Special Investigations,— September, 1995.

Merrimack Valley Regional Transit Authority.
A report of the University of Massachusetts Extension (UMASS Extension) (authorized by line item 7100-0200 of Section 2 of Chapter 38 of the Acts of 1995) detailing the plan for maintenance of statewide delivery of services; Severally placed on file.

Papers from the Senate.

Worcester,—
William T. McGuirk.

Swampscott,—
retirement funding schedule.

Bills
Relative to civil service preference of certain members of the family of William T. McGuirk for appointment to the Worcester fire department (Senate, No. 2003) (on a petition) [Local Approval Received] [Senator Morrissey, and Representative Petrolati of Ludlow, dissenting]; and
Relative to the funding schedule for the retirement system of the town of Swampscott (Senate, No. 2042) (on a petition) [Local Approval Received]; Severally passed to be engrossed by the Senate, were read; and they were placed in the Orders of the Day for the next sitting for a second reading.

Petitions.

Lowell,—
Whitman & Howard, Inc.

Mr. LeLacheur of Lowell presented a petition (accompanied by bill, House, No. 5588) of Edward A. LeLacheur (with the approval of the city council) for legislation to authorize the city of Lowell to appropriate a certain sum of money for the payment of an unpaid bill to Whitman & Howard, Inc.; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

Mr. Caron of Springfield presented a petition (subject to Joint Rule 12) of Paul E. Caron, James P. Jajuga, other members of the General Court and others for legislation to provide for the construction and rehabilitation of police and fire station facilities in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

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

Mr. DiMasi of Boston presented a petition (subject to Joint Rule 12) of Salvatore F. DiMasi, Stanley C. Rosenberg, Bruce E. Tarr, Robert A. Bernstein and William J. Glodis, Jr., relative to contributions to political action committees by wire transfers; 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. Verga of Gloucester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Election Laws. Sent to the Senate for concurrence.

Ms. Jehlen of Somerville presented a petition (subject to Joint Rule 12) of Patricia D. Jehlen, Edward G. Connolly and Mary Jane Simmons relative to the appointment of tenant members to the boards of housing authorities; 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. Verga of Gloucester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing and Urban Development. Sent to the Senate for concurrence.

Mr. Kollios of Millbury presented a petition (subject to Joint Rule 12) of Louis P. Bertonazzi, Paul Kollios and David M. Peters for legislation to authorize the appropriation of a certain sum of money to the town of Oxford for certain veterans’ benefits paid by said town; 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. Verga of Gloucester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by resolve) was referred to the committee on Ways and Means. Sent to the Senate for concurrence in the suspension of Joint Rule 12.

Petitions severally were presented and referred as follows:

By Mr. Brett of Boston, petition (subject to Joint Rule 12) of James T. Brett for legislation to require the Port Authority to include representatives of the Dorchester district of the city of Boston in all public meetings concerning noise abatement issues and related matters.

By Mr. Brewer of Barre, petition (subject to Joint Rule 12) of Stephen M. Brewer, Patrick F. Landers II and Robert D. Wetmore for legislation to authorize the Commissioner of Public Safety to appoint Timothy Perron as a member of the next state police training class, notwithstanding the maximum age requirements.

By Mr. Businger of Brookline, petition (subject to Joint Rule 12) of John A. Businger relative to the protection of condominium tenants from termination of rent and eviction controls.
By Mrs. Harkins of Needham, petition (subject to Joint Rule 12) 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.

By Mr. Kennedy of Brockton (by request), petition (subject to Joint Rule 12) of Peter C. Vaughn for payment from the state treasury of a certain sum of money to said Peter C. Vaughn for compensation for time served in prison for a crime of which he was acquitted.

By Mr. Lepper of Attleboro, petition (subject to Joint Rule 12) of John A. Lepper and Cheryl A. Jacques (with the approval of the mayor and municipal council) for legislation to authorize the city of Attleboro to issue preliminary quarterly real estate bills.

By Mr. Panagiotakos of Lowell, petition (subject to Joint Rule 12) of Steven C. Panagiotakos for legislation to increase the penalties for the purchase or possession of alcoholic beverages by persons under twenty-one years of age.

By Mrs. Paulsen of Belmont, petition (subject to Joint Rule 12) of Anne M. Paulsen, other members of the House and others for legislation to restructure the bodily injury motor vehicle insurance system in the Commonwealth.

By the same member, petition (subject to Joint Rule 12) of Anne M. Paulsen, other members of the House and others for legislation to establish a special research study commission concerning the motor vehicle insurance system in the Commonwealth.

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

Reports of Committees.

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

Petition (accompanied by bill) of Anne M. Paulsen and other members of the General Court relative to the placement of children with private families by the Department of Social Services. To the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill) of Edward B. Teague III and Henri S. Rauschenbach (by vote of the town) relative to the transfer of certain funds of the town of Dennis concerning abandoned property and eminent domain proceedings. To the committee on the Judiciary.

Petition (accompanied by bill) of Anne M. Paulsen, Steven A. Tolman and Anthony J. Verga for legislation to increase the penalties for violations of safety precautions at railroad crossings. To the committee on Public Safety.

Petition (accompanied by bill) of Brian S. Dempsey for legislation to authorize the Commissioner of the Department of Environmental Management to lease certain facilities. To the committee on State Administration.

Under suspension of Rule 42, on motion of Mr. Verga of Gloucester, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.
Mr. Finneran of Boston, for the committee on Ways and Means, to whom was referred the Bill relative to the revitalization and development of the Commonwealth's seaports and the improvement of freight access within the Commonwealth (House, No. 5127) reports, in part, a Bill relative to the repair, renovation and reconstruction of facilities at the Massachusetts Maritime Academy (House, No. 5584), which was read [Bond Issue: $5,200,000.00].

Under suspension of the rules, on motion of Mr. Cahir of Bourne, 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 relative to bond authorizations for the repair, renovation and reconstruction of facilities at the Massachusetts Maritime Academy. Sent to the Senate for concurrence.

Mr. Serra of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Banks and Banking to make an investigation and study of certain Senate and House documents concerning interstate banking (House, No. 5057) reports, in part, asking to be discharged from further consideration of the 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 recommitted to the committee on Banks and Banking. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Caron of Springfield, for the committee on Public Safety, on House, Nos. 5537 and 5538, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning the inspection of power operated doors and the training and testing of personnel answering “911”, so-called, public safety service calls (House, No. 5583). 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. Greene of Billerica, for the committee on Counties, on a petition, a Bill relative to vicious or nuisance creating dogs (House, No. 5525).

By Mr. Verga of Gloucester, for the same committee, on a petition, a Bill relative to advisory boards on county expenditures (House, No. 5410).

By Mr. Angelo of Saugus, for the committee on Government Regulations, on a petition, a Bill authorizing the commissioner of Massachusetts Maritime Academy,— repair and renovation.

Nationwide interstate banking.

Safety equipment,— testing.

Vicious dogs,— control.

County advisory boards.

Newton,— underground utilities.
public works of the city of Newton to act upon certain underground utility petitions (House, No. 5490) [Local Approval Received].

By Mr. DeLeo of Winthrop, for the committee on Local Affairs, on House, No. 947, a Bill relative to certain administrative offices in towns (House, No. 5589).

By Ms. O'Brien of Hanover, for the same committee, on Senate, No. 1089 and House, No. 1882, a Bill relative to investment of public funds (House, No. 5590).

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

Orders of the Day.

House bills

Validating the results of a special debt exclusion election held in the town of Brookfield on May twentieth, nineteen hundred and ninety-five (printed in House, No. 5341);

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 (House, No. 5395) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the Division of Capital Planning and Operations to convey certain land located in the city of Brockton (House, No. 5533);

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 the appointment of a treasurer/collector in the town of Dennis (House, No. 5074, 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 3 (inserted by change) and inserting in place thereof the following section (stricken out by change):

"SECTION 3. This act shall take effect upon its passage."

The amendment was adopted; and the bill (House, No. 5074, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. McDonough of Boston,—

Ordered, That when the House adjoins today, it adjourn to meet on Monday next at eleven o'clock A.M.

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mr. Cohen of Newton being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.

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

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

Gracious God, we believe that You have created us, endowed us with an eternal destiny, and watch over us by day and by night. We depend upon Your guidance as we evaluate legislative proposals and make legislative decisions. Inspire us to make choices which best serve the material and spiritual needs of the people. Grant us the patience to listen to the concerns and experiences of others in our effort to meet the reasonable needs of constituents. Bless our endeavors to promote responsible citizenship, to eliminate violence in society, and to encourage all people to use their talents for self-improvement and for the benefit of society. Teach us to respect others and their political views even when we disagree on issues and public policy.

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

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

Statement Concerning Representatives Donovan of Woburn and Resor of Acton.

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 two of our colleagues, Representatives Donovan of Woburn and Resor of Acton, will not be present in the House Chamber for today's sitting due to official business in Washington, D.C. Any roll calls that they 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 Verga of Gloucester.

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 Verga of Gloucester, will not be present in the House Chamber for today's sitting due to official business attending the annual meeting of the Atlantic States Marine Fisheries Commission in Charleston, South Carolina. 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 Mrs. Murray of Cohasset) commemorating the seventy-fifth anniversary of Hingham Visiting Nurse and Community Service, Inc.;
- Resolutions (filed by Mrs. Simmons of Leominster) congratulating Albert Clayton Lyons, Jr., on the occasion of his retirement; and
- Resolutions (filed by Mr. Slattery of Peabody) commemorating the fiftieth anniversary of the Portuguese American War Veterans, Inc., Post #1;

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. Slattery, 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. Fennell of Lynn and McGee of Lynn) congratulating Madeleine Donovan on receiving the 'King of the Jungle Award' of the Wyoma Lions Club;
- Resolutions (filed by Mr. Kafka of Sharon) on the occasion of the dedication of the home of the Sharon Community Theatre as the Sunset Playhouse;
- Resolutions (filed by Messrs. Kafka of Sharon and Galvin of Canton) on the occasion of Old Colony Hospice Week celebrated in observance of National Hospice Month;
- Resolutions (filed by Mr. Keenan of Blandford) congratulating the town of Southwick on the occasion of its two hundred and twenty-fifth anniversary; and
- Resolutions (filed by Mr. Mariano of Quincy) honoring Dick Dale, "Father of the Surf Guitar";

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. Keenan, 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. 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 Senate document numbered 2061; and on current House documents numbered 5384 and 5580.

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. Hodgkins of Lee, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Special Report.

A report of the Department of Public Utilities (under House order No. 5331 of 1995) relative to power outages following a certain storm in the western part of the Commonwealth and the response to said outages by the Western Massachusetts Electric Company, was read; and it was placed on file.

Petition.

Mr. Angelo of Saugus presented a petition (accompanied by bill, House, No. 5600) of Steven Angelo, Edward J. Clancy, Jr., and Thomas F. Birmingham (by vote of the town) for legislation to authorize the town of Saugus to establish a special fund to be known as the “Saugus debt service reserve fund”; and the same was referred to the committee on Local Affairs. Sent to the Senate for concurrence.

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 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 2075.

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

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

A Bill relative to new convention facilities and for related purposes (Senate, No. 2068, amended in section 2 by adding at the end of item 1100-7957 the words "provided further, that one million dollars be expended for additional studies to be conducted by the Massachusetts Convention Center Authority including, but not limited to, the feasibility of the following proposed projects: the Wallace Civic Center in Fitchburg; a Greater Lawrence Recreational and Cultural Center; a Cape Cod Convention Center; a Haverhill or Methuen Convention Center and a North Shore Convention Center. Said authority shall coordinate with the Cape Cod Economic Development Council on said Cape Cod Convention Center study and with the North Shore Convention Council on said North Shore Convention Center study") (on a part of House, No. 5219) [Bond Issue: $100,000,000.00], passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2079) of John D. O'Brien and James R. Miceli (by vote of the town) for legislation to authorize the leasing of a certain parcel of land in the town of Tewksbury; and

Petition (accompanied by bill, Senate, No. 2080) of Robert D. Wetmore (by vote of the town) for legislation relative to the abolishment of the position of cemetery commissioner and the position of tree warden in the town of Northfield;

Severally to the committee on Local Affairs.

Petition (accompanied by bill, Senate, No. 2081) of David P. Magnani and James E. Vallee (by vote of the town council) for legislation to authorize the town of Franklin to establish a filing fee for real estate tax abatement applications. 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 Stephen F. Lynch and Paul C. Demakis for legislation to authorize the Department of Environmental Protection to grant a license to Peninsula Yacht Club to construct, maintain and repair a floating barge. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of John A. Lepper and Cheryl A. Jacques (with the approval of the mayor and municipal council) for legislation to authorize the city of Attleboro to issue preliminary quarterly real estate bills. To the committee on Taxation.
Petition (accompanied by bill) of Stephen F. Lynch, Vincent P. Ciampa and James V. DiPaola for legislation to designate the South Station Transportation Center Bus Terminal in the city of Boston as the John J. "Happy" Coombs Terminal. To the committee on Transportation.

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

By Mr. Serra of Boston, for the committees on Rules of the two branches, acting concurrently, 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 House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Kollios of Millbury, for the committee on Human Services and Elderly Affairs, on House, Nos. 5546, 5552 and 5565, an Order relative to authorizing the committee on Human Services and Elderly Affairs to make an investigation and study of certain House documents concerning unwed minor parents, the forwarding of information to the Immigration and Naturalization Service, the fingerprinting of recipients of public assistance and other subject-matters relating to the establishment of the Department of Transitional Assistance (House, No. 5591). 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.

**Emergency Measure.**

The engrossed Bill relative to bond authorization for the repair, renovation and reconstruction of facilities at the Massachusetts Maritime Academy (see House, No. 5584), 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 20 to 1. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted (the Speaker being in the Chair), the sense of the House was taken by yeas and
Bill enacted (state loan).—
  yea and nay No. 240.

Statement of
Representative
Fox of
Boston.

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 143 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 240 in Supplement.]

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

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

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

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

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

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber attending the funeral of a family member. Had I been present when the vote was taken, I would have voted in the affirmative.

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

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

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

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

Orders of the Day.

The engrossed Bill relative to the zoning of antenna structures used by federally licensed amateur radio operators (see House, No. 2782, amended) (which had been returned to the House by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 5569), was considered.

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

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

“SECTION 1. Section 3 of chapter 40A of the General Laws is hereby amended by adding the following paragraph:—

No zoning ordinance or by-law shall prohibit the construction or use of an antenna structure by a federally licensed amateur radio

Amateur radio operators,—
  antennas.
operator. Zoning ordinances and by-laws may reasonably regulate the location and height of such antenna structures for the purposes of health, safety, or aesthetics; provided, however, that such ordinances and by-laws reasonably allow for sufficient height of such antenna structures so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators and constitute the minimum practicable regulation necessary to accomplish the legitimate purposes of the city or town enacting such ordinance or by-law.

SECTION 2. Nothing in this act shall be construed as limiting the authority of any architectural or historic district commission established pursuant to any general or special law."

Sent to the Senate for concurrence.

House bills
Providing for uniform administrative standards in the auditing of federal aid funds received by state agencies (House, No. 4) (its title having been changed by the committee on Bills in the Third Reading); and
Relative to Braille literacy (House, No. 2144, amended);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to civil service preference of certain members of the family of William T. McGuirk for appointment to the Worcester fire department (Senate, No. 2003) was read a second time; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Binienda of Worcester, 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, its title having been changed by said committee to read: An Act relative to civil service preference of certain members of the family of William T. McGuirk for appointment to the fire department of the city of Worcester. The same member then moved that this vote be reconsidered; and the motion to reconsider was negatived.

The Senate Bill relative to the funding schedule for the retirement system of the town of Swampscott (Senate, No. 2042) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Petersen of Marblehead, 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.

House bills
Authorizing the commissioner of public works of the city of Newton to act upon certain underground utility petitions (House, No. 5490); and
Relative to certain administrative offices in towns (House, No. 5589);
Severally were read a second time; and they were ordered to a third reading.

The Senate Bill relative to the structure, management and operation of state-chartered credit unions (Senate, No. 1879, amended) (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. DiMasi of Boston moved, there being no objection, that it be amended by striking out section 1 and inserting in place thereof the following section:

"SECTION 1. The first paragraph of section 12 of chapter 171 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The business and affairs of a credit union shall be managed by a board of not less than nine directors.", and by striking out section 32.

The amendments were adopted; and the bill (Senate, No. 1879, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

The House Bill providing certain insurance coverage for costs arising from speech, hearing and language disorders (House, No. 4140) (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. McDonough of Boston moved that it be amended by striking out section 5 (as printed).

The amendment was adopted; and the bill (House, No. 4140, amended) was passed to be engrossed. Sent to the Senate for concurrence.

At a quarter after eleven o'clock A.M., on motion of Mr. Connolly of Everett (Mr. Voke of Boston being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with the Speaker in the Chair.

The 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.
House bills
Relative to advisory boards on county expenditures (House, No. 5410); and
Relative to vicious or nuisance creating dogs (House, No. 5525);
Severally were read a second time; and they were ordered to a third reading.

Engrossed Bills.

Engrossed bills
Relative to civil service preference of certain members of the family of William T. McGuirk for appointment to the fire department of the city of Worcester (see Senate, No. 2003); 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.

Order.

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

Mr. Fagan of Taunton 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 one o’clock P.M. (the Speaker being in the Chair), the House adjourned, to meet on Thursday next at eleven o’clock A.M., in an Informal Session.