

# JOURNAL OF THE HOUSE.

Thursday, January 29, 2004.

Met at nine minutes after eleven o'clock A.M., with Mr. DiMasi of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Prayer.

Gracious God, we place our trust and faith in You and in Your always available guidance as we take up and evaluate the items on today's legislative calendar. We depend upon Your gracious assistance in our struggle to meet the daily needs and the reasonable expectations of people, especially constituents who depend on others and their caregivers for their daily existence. In carrying out our responsibilities, teach us to be good listeners, knowledgeable leaders, thoughtful planners and articulate spokespersons. Inspire us to unite people in our diverse society in pursuing causes which contribute to the building of stable, civil, caring and ethical communities. Inspire us, each day, to renew our commitment to serve You and the people who depend upon our good decisions in legislative and policy matters.

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

Pledge of allegiance.

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

### Messages from the Governor.

General Appropriation Bill.

A message from His Excellency the Governor submitting the annual budget of the Commonwealth for the fiscal year beginning July 1, 2004 (House, No. 1A) was filed in the office of the Clerk on Wednesday, January 28.

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

School building assistance payments.

A message from His Excellency the Governor recommending legislation relative to accelerating school building assistance payments to cities, towns, and regional school districts and increasing efficiencies in public construction projects (House, No. 4484) was filed in the office of the Clerk on Wednesday, January 28.

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

Department of Revenue, procedures.

A message from His Excellency the Governor recommending legislation relative to clarifying certain tax provisions and improving various activities of the Department of Revenue (House, No. 4485) was filed in the office of the Clerk on Wednesday, January 28.

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

### Statement Concerning Representative Ayers of Quincy.

A statement of Mrs. Harkins of Needham concerning Mr. Ayers of Quincy was spread upon the records of 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 Ayers of Quincy, will not be present in the House Chamber for a portion of today's sitting due to a family emergency. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Ayers of Quincy.

### Statement Concerning Representative Coppola of Foxborough.

A statement of Mr. Jones of North Reading concerning Mr. Coppola of Foxborough was spread upon the records of 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 Coppola of Foxborough, will not be present in the House Chamber for today's sitting due to recovering from a surgical procedure. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Coppola of Foxborough.

### Statement Concerning Representative Goguen of Fitchburg.

A statement of Mr. DiMasi of Boston concerning Mr. Goguen of Fitchburg was spread upon the records of 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 Goguen of Fitchburg, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Goguen of Fitchburg.

### Statement Concerning Representative Kaufman of Lexington.

A statement of Mr. Petrolati of Ludlow concerning Mr. Kaufman of Lexington was spread upon the records of 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 Kaufman of Lexington, will not be present in the House Chamber for today's sitting due to a family emergency outside of the Commonwealth. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Kaufman of Lexington.

### Statement Concerning Representative Rodrigues of Westport.

A statement of Mr. DiMasi of Boston concerning Mr. Rodrigues of Westport was spread upon the records of 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 Rodrigues of Westport, will not be present in the House Chamber for today's sitting due to a death in his family. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Rodrigues of Westport.

*Guest of the House.*

Jerold M. Carlson.

During the session, the Chair (Mr. DiMasi of Boston), declared a brief recess and introduced Dr. Jerold M. Carlson of the West Roxbury section of the city of Boston, who was the guest of Mr. Rush of Boston.

*Resolutions.*

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

Neil F. Cadigan.

Resolutions (filed by Mr. Jones of North Reading) congratulating Private Neil F. Cadigan on the occasion of receiving the Soldiers Medal;

Marguerite Masse Dionne.

Resolutions (filed by Mr. Bradley of Hingham) congratulating Marguerite Masse Dionne on the occasion of her ninetieth birthday;

Susan Maguire.

Resolutions (filed by Messrs. Brown of Wrentham, Rogers of Norwood, Kafka of Stoughton and Coughlin of Dedham) congratulating Susan Maguire on being named the Walpole Chamber of Commerce Citizen of the Year;

Mansfield High School.

Resolutions (filed by Representatives Coppola of Foxborough, Poirier of North Attleborough, Kafka of Stoughton) congratulating the Mansfield High School football team;

Classmates Today.

Resolutions (filed by Mr. DeLeo of Winthrop) congratulating "Classmates Today - Neighbors Tomorrow" Brotherhood Program on the occasion of their fiftieth anniversary; and

Paul R. Cote.

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Paul R. Cote on the occasion of his retirement from the Acushnet Fire Department;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of the same member, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Order.*

On motion of Mr. Rogers of Norwood,—

Ways and Means members, voting.

*Ordered,* That, notwithstanding any other provisions of the rules, a court officer will be authorized to cast votes, except for quorum roll calls, for members of the committee on Ways and Means for today's sitting.

*Communications.*

The following communications were read for the information of the House:

*Communications*

Sexually dangerous persons.

From the Department of Youth Services (under the provisions of Section 16 of Chapter 123A of the General Laws) in lieu of a report on the commitment of sexually dangerous persons; and

Norfolk County Registry of Deeds.

From the Norfolk County Registry of Deeds (under Section 4 of Chapter 4 of the Acts of 2003) submitting an initial plan for techno-

logical improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight);

Severally placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Knuuttila of Gardner, petition (accompanied by bill, House, No. 4474) of Brian Knuuttila, Robert A. Antonioni and Emile J. Goguen (by vote of the town) relative to establishing a capital reserve account in the town of Ashby; and

Ashby, capital reserve account.

By Ms. Atkins of Concord, petition (accompanied by bill, House, No. 4475) of Cory Atkins and Susan C. Fargo (by vote of the town) relative to the residency requirement for the position of town manager in the town of Concord;

Concord, town manager.

Severally to the committee on Local Affairs and Regional Government.

Severally sent to the Senate for concurrence.

Mr. O'Flaherty of Chelsea presented a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty, Jarrett T. Barrios, Vincent P. Ciampa, Edward G. Connolly and Timothy J. Toomey, Jr., for legislation to authorize the Trial Court to establish a sick leave bank for Sandra DelGaudio-Upton, an employee of said court; and the same was referred, under Rule 24, to the committee on Rules.

Sandra DelGaudio-Upton, sick leave bank.

Mr. Scaccia 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 the rules, on motion of Mr. Tobin of Quincy, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Candaras of Wilbraham, petition (subject to Joint Rule 12) of Gale D. Candaras, Lida E. Harkins, Peter J. Koutoujian and Carol A. Donovan for an investigation by a special commission (including members of the General Court) relative to the elimination of cervical cancer.

Cervical cancer, study.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis authorizing the Teachers' Retirement Board to refund a certain sum to Linda Miller, a former teacher in the Southboro School District.

Linda Miller, retirement.

By Mrs. Harkins of Needham, petition (subject to Joint Rule 12) of Lida E. Harkins relative to the penalty for the theft of motor fuel.

Motor fuel, theft.

By Mr. Leary of Worcester, petition (subject to Joint Rule 12) of James B. Leary relative to the sale of alcoholic beverages on Sundays.

Alcoholic beverages.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to developing training programs for certain sheriffs' personnel.

Sheriff s personnel, training.

Guardian  
Ad Litem.

By the same member (by request), petition (subject to Joint Rule 12) of Patrick Szymkowski relative to the appointment of guardians ad litem by the Probate Court to investigate custody proceedings involving children and domestic relations matters.

Electronic  
wires,  
installation.

By Ms. Spiliotis of Peabody (by request), petition (subject to Joint Rule 12) of Wesley Merrill relative to the installation and repair of electric wires.

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

*Papers from the Senate.*

Nashoba  
Associated  
Boards of  
Health.

A Bill further regulating the early retirement of eligible employees of the Nashoba Associated Boards of Health (Senate, No. 2185) (on a part of House, No. 3810), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Petrolati of Ludlow, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mrs. Walrath of Stow, 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.

Marguerite  
McWhinnie,  
sick leave  
bank.

A petition of Robert A. Havern for legislation to establish a sick leave bank for Marguerite McWhinnie, an employee of the Cambridge district court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2198) was referred, in concurrence, to the committee on the Judiciary.

*Reports of Committees.*

Review  
board.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill to create a citizen review board (House, No. 4457),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Energy  
efficient  
appliances.

By Mr. Casey of Winchester, for the committee on Taxation, asking to be discharged from further consideration of part of the petition (section 1) (accompanied by bill, House, No. 631) of John J. Binienda relative to the exemption of the sales tax on energy efficient appliances,— and recommending that the same be referred to the committee on Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

By Mr. Koutoujian of Waltham, for the committee on Health Care, asking to be discharged from further consideration

Lead  
based  
paint.

Of the petition (accompanied by bill, House, No. 147) of Bruce J. Ayers for an investigation by the Attorney General and the Department of Public Health of the liability for remediation of the negative

effects caused by the manufacture and sale of lead based paint products; and

Of the petition (accompanied by bill, House, No. 3157) of Marie P. St. Fleur and other members of the House relative to the recovery of certain funds from manufacturers for expenses incurred in the removal of lead paint in the Commonwealth;

Lead  
poisoning.

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

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

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a message from His Excellency the Governor, a Bill authorizing the town of Milton to establish the Milton High School accreditation fund (printed in House, No. 4367). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Milton  
High  
School,  
fund.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Tobin of Quincy, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Timilty of Milton, 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. Sent to the Senate for concurrence.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on Senate, Nos. 240, 248, 264, 267, 275 and 307 and House, Nos. 878, 1262, 1640, 1643, 2030, 2393, 2400, 2409, 2577, 2770, 2939, 3495, 3502, 3861 and 4260, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning higher education in the Commonwealth (House, No. 4471).

Higher  
education,  
study.

By the same member, for the same committee, on Senate, Nos. 279, 306, 309 and 337 and House, Nos. 685, 1253, 1637, 1639, 1842, 2396, 3315 and 3500, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning school personnel (House, No. 4472).

School  
personnel,  
study.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on Senate, Nos. 1203, 1244, 1255, 1256 and 1257 and House, Nos. 202, 2481, 2847 and 3199, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning environmental products and codes (House, No. 4473).

Environmental  
products,  
study.

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

Subsequently Mr. Scaccia 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.

Cities and towns, borrowing.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing cities and towns to borrow money for environmental assessment and remediation purposes (House, No. 4067). Read; and referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Group health insurance.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill authorizing cities, towns and districts to provide group health insurance benefits to employees and retirees through the group insurance commission (House, No. 240).

School employees.

By the same member, for the same committee, on a petition, a Bill to clarify eligibility for health insurance for school employees (House, No. 241).

Infectious disease.

By the same member, for the same committee, on a petition, a Bill relative to infectious disease (House, No. 1929).

Claims Trust Fund.

By the same member, for the same committee, on a petition, a Bill relative to the auditing of the Claims Trust Fund (House, No. 3695).

Insurance.

By the same member, for the same committee, on a petition, a Bill relative to Insurance Advisory Committees (House, No. 3696).

Sheriff's department.

By the same member, for the same committee, on House, No. 3821, a Bill providing for workforce reduction through early retirement in the sheriff's department of certain former counties (House, No. 4476).

Severally read; and referred, under Rule 32A, to the committee on Local Affairs and Regional Government on the part of the House.

Insurance, practices.

By Mr. Mariano of Quincy, for the committee on Insurance, on House, Nos. 8 and 21, a Bill increasing penalties for unfair and deceptive acts and practices in the business of insurance (House, No. 21).

Insurance companies.

By the same member, for the same committee, on House, Nos. 8 and 22, a Bill allowing insurance companies to use modern banking facilities (House, No. 22).

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By the same member, for the same committee, on a petition, a Bill further regulating the use of personal information by insurance companies (House, No. 1701).

UMass, research.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a recommitted petition, a Bill to provide creditable service to certain research faculty funded by research institutes and foundations under agreement with the University of Massachusetts (House, No. 2873).

Department of Corrections.

By the same member, for the same committee, on a petition, a Bill regarding employees of the Department of Correction (House, No. 3415).

Teacher retirement.

By the same member, for the same committee, on House, No. 254, a Bill to clarify teacher retirement application procedures (House, No. 4477).

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

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill relative to municipal lighting plant cooperatives (House, No. 2425). Municipal lighting.

By Mr. Mariano of Quincy, for the committee on Insurance, on House, Nos. 8 and 23, a Bill increasing protections for consumers in the insurance marketplace (House, No. 23). Insurance, consumer protection.

By the same member, for the same committee, on House, Nos. 8 and 24, a Bill making certain corrective changes in the General Laws (House, No. 24, changed by striking out section 14). Insurance laws.

By the same member, for the same committee, on a petition, a Bill relative to the sale of certain types of life insurance policies within the Commonwealth (House, No. 171). Life insurance.

By the same member, for the same committee, on a petition, a Bill relative to fire insurance (House, No. 1698). Fire insurance.

By the same member, for the same committee, on a petition, a Bill concerning the regulation of certain commercial contracts of insurance (House, No. 1700). Commercial insurance.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill to grant the municipal executive limited authority to transfer funds between accounts (House, No. 4027). Boards of selectmen, funds.

By the same member, for the same committee, on a petition, a Bill relative to compensated absences in cities and towns (House, No. 4063). Municipal employees.

By the same member, for the same committee, on a petition, a Bill amending certain provisions of the city charter of the city of Lawrence (House, No. 4195) [Local Approval Received]. Lawrence, city charter.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Norfolk to establish a department of public works (House, No. 4313) [Local Approval Received]. Norfolk, public works.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Plymouth to enact by-law relative to the impact of development (House, No. 4351) [Local Approval Received]. Plymouth, impact fees.

By the same member, for the same committee, on a petition, a Bill relative to the release of a conservation restriction in the town of Grafton (House, No. 4352) [Local Approval Received]. Grafton, conservation.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill relative to provisional employees in the city of Worcester (House, No. 3839) [Local Approval Received]. Worcester.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Taunton to re-institute an early retirement program (House, No. 3871) [Local Approval Received]. Taunton, early retirement.

By the same member, for the same committee, on a petition, a Bill relative to the retirement and health benefits of certain elected officials of the town of Richmond (House, No. 4236) [Local Approval Received]. Richmond, health benefits.

By the same member, for the same committee, on a petition, a Bill exempting members of the police force of the town of Hopedale from the civil service law (House, No. 4309) [Local Approval Received]. Hopedale, police.

Braintree, deputy chief.

By the same member, for the same committee, on a petition, a Bill exempting the position of deputy police chief of the town of Braintree from civil service (House, No. 4379) [Local Approval Received].

Christopher Lavele, sick leave bank.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Christopher Lavele an employee of the Department of Corrections (House, No. 4412).

Joanne M. Sollecito, sick leave bank.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Joanne M. Sollecito, an employee of the Department of Corrections (House, No. 4440).

Belmont, property tax.

By Mr. Casey of Winchester, for the committee on Taxation, on a petition, a Bill relative to the taxation of certain property in the town of Belmont (House, No. 3980).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Nashoba Associated Boards of Health.

The engrossed Bill further regulating the early retirement of eligible employees of the Nashoba Associated Boards of Health (see Senate, No. 2185), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 24 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills enacted.

Engrossed bills Providing for a fuel revolving account at Nantucket Memorial Airport (see Senate, No. 1170) (which originated in the Senate); and Relative to the Department of Finance in the town of Brookline (see House, No. 4088) (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 acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bills.

House bills Designating the Criminal Justice Training Academy in the city known as the town of Agawam as the Harold F. Skelton Sr. Criminal Justice Training Center in Agawam (House, No. 2157) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of North Andover to discontinue a certain public way (House, No. 3911);

Providing for a special election to fill a vacancy on the board of selectmen in the town of Wilmington (House, No. 3921, changed); and

Relative to parking fines in the town of Harwich (House, No. 4079);

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

Senate bills Relative to credit union boards of directors (Senate, No. 13);

Second reading bills.

Authorizing the appointment of Kenneth E. Wright as a police officer in the town of Mansfield (Senate, No. 1589);

Designating state highway route 146 in the town of Uxbridge as the Lydia Taft Highway (Senate, No. 1890);

Relative to the Dedham-Westwood Water District (Senate, No. 1965, changed); and

Designating a certain bridge in the city of Quincy as the Paul D. Harold memorial bridge (Senate, No. 1980, changed); and

House bills

Relative to the use of retired police officers by the town of Grafton (House, No. 3936);

Authorizing the city of Lowell to pay a certain unpaid bill (House, No. 4216);

Relative to parking violations in the town of Marblehead (House, No. 4235); and

Authorizing the Fitchburg Housing Authority to convey certain land (House, No. 4242);

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

Section 121 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

Supplemental appropriations, Lakeville Regional DEP Office.

On the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 139 members voted in the affirmative and 6 in the negative.

Lakeville Regional DEP Office section 121 stands, yea and nay No. 509.

[See Yea and Nay No. 509 in Supplement.]

Therefore section 121 was passed, notwithstanding the objections of 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 a statement of Ms. Fox of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber because I was on my way to the State House after serving on jury duty. Had I been present when the vote was taken, I would have voted in the affirmative.

Statement of Representative Fox of Boston.

Section 85 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

Supplemental appropriations, Nursing home kosher foods.

After debate on the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of

Nursing home kosher foods section 85

stands,  
yea and nay  
No. 510.

the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 510 in Supplement.]**

Therefore section 85 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Supplemental  
appropriations,  
Nursing home  
kosher foods.

Item 4000-0600 (contained in section 2) of the engrossed Bill making appropriations for fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

After debate on the question on passing said item, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 511 in Supplement.]**

Therefore item 4000-0600 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Supplemental  
appropriations  
item  
4000-0600  
stands,  
yea and nay  
No. 511.

Supplemental  
appropriations,  
Environmental  
bond  
earmark.

Section 70 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

On the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 110 members voted in the affirmative and 39 in the negative.

**[See Yea and Nay No. 512 in Supplement.]**

Therefore section 70 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative).

Mr. Rushing of Boston moved that this vote be reconsidered; and after debate the motion to reconsider was negated. Section 70 then was sent to the Senate for its action.

Environmental  
bond  
earmark  
section 70  
stands,  
yea and nay  
No. 512.

Supplemental  
appropriations,  
Help America  
Vote Act.

Item 1599-4500 (contained in section 2) of the engrossed Bill making appropriations for fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

After remarks on the question on passing said item, notwithstanding the objections of His Excellency the Governor, the sense of the House

Supplemental

was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 513 in Supplement.]**

Therefore item 1599-4500 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

appropriations  
item  
1599-4500  
stands,  
yea and nay  
No. 513.

Section 69 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

After remarks, on the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 127 members voted in the affirmative and 23 in the negative.

**[See Yea and Nay No. 514 in Supplement.]**

Therefore section 69 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Supplemental  
appropriations,  
Sunset Lake  
earmark.

Sunset Lake  
earmark  
section 69  
stands,  
yea and nay  
No. 514.

Section 65 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

After remarks, on the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 131 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 515 in Supplement.]**

Therefore section 65 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Supplemental  
appropriations,  
highway  
sound  
barriers.

Highway  
sound  
barriers  
section 65  
stands,  
yea and nay  
No. 515.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Tewksbury or the Tewksbury Conservation Commission to convey certain easements to Tennessee Gas Pipeline Company in the town of Tewksbury (see Senate, No. 1938, changed) (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,

Tewksbury,  
easements.

Bill enacted  
(land taking),  
yea and nay  
No. 516.

Bill enacted  
(land taking),  
yea and nay  
No. 516.

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. 516 in Supplement.]**

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

*Order.*

On motion of Mr. Finneran of Boston,—

Next  
sitting.

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

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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. Tobin of Quincy (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.