

JOURNAL OF THE HOUSE.

Thursday, July 8, 2004.

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

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

Eternal God, we depend upon Your always available assistance in our efforts to recognize and implement our best legislative options in our desire to serve You, the people and our communities. Inspire us to select those legislative choices which enhance human dignity, strengthen our trust in each other and our basic institutions and draw us closer to You, Our Creator. In these uneasy times with unique challenges, teach us to be open to new and reliable information, to judge issues wisely and to act and live according to right reason. By our leadership qualities and with a clear vision, help us to respond to the reasonable expectations of the people and to assist them in utilizing all the opportunities which this new age offers.

Grant Your blessings to the Speaker, the members and employees 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.

Silent Prayer.

During the session, at the request of Mr. Hill of Ipswich, the members, guests and employees stood in a moment of silent prayer to the memory of General George Patton, the son of the late General George S. Patton, Jr., and Beatrice Ayer Patton. This General Patton was the fourth George Patton in his family to serve in the military and he did so for 34 years. General Patton distinguished himself as a combat veteran of both the Korean and Vietnam wars and commanded the United States 7th Army and American Forces in Europe.

Statement Concerning Representative Connolly of Everett.

A statement of Mr. DiMasi of Boston concerning Mr. Connolly of Everett 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 Connolly of Everett, will not be present in the House Chamber for the remainder of today's sitting due to an injury and his need to go to the hospital. Any roll calls that he may miss today is due entirely to the reason stated.

Statement of Representative Donovan of Woburn.

On motion of Mr. DiMasi of Boston, a statement of Ms. Donovan of Woburn 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 I will not be present in the House Chamber for today's sitting due to a long standing and unavoidable legislative commitment. Had I been present, I would have voted on every roll call.

Statement of Representative Golden of Lowell.

A statement of Mr. Golden of Lowell was spread upon the records of the House, as follows:

Statement of
Representative
Golden of Lowell.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to family medical concerns. Any roll calls that I may miss today will be due entirely to the reason stated.

Guests of the House.

Makenzie M.
and Sherry
Gagne.

During the session, Mr. Travis of Rehoboth took the Chair, declared a brief recess and introduced Makenzie M. Gagne, Miss Massachusetts Princess for 2003, who was accompanied by her mother, Sherry. Miss Gagne then addressed the House briefly and sang "You're a Grand Old Flag". They were the guests of Representative Travis.

Councillor
Yancey and
Lynnette
Frazier.

During the session, the Speaker declared a brief recess and introduced Boston City Councillor Charles C. Yancey, who was accompanied by Lynnette M. Frazier, his chief of staff. They were the guests of Representative Owens-Hicks of Boston.

Resolutions.

Jeffrey
Alan
Jozsa.

Resolutions (filed with the Clerk by Representatives Falzone of Saugus and Reinstein of Revere) congratulating Jeffrey Alan Jozsa on receiving the Eagle Award of the Boy Scouts of America, were referred, under Rule 85, to the committee on Rules.

Mr. Miceli of Wilmington, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Miss Reinstein (Mrs. Harkins of Needham being in the Chair), the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

Conference
business,
voting.

On motion of Mr. deMacedo of Plymouth,—
Ordered, That, notwithstanding the provisions of the rules, the Speaker shall assign a court officer to cast the votes, except for quorum roll calls, for Representatives Rogers of Norwood, Wagner of Chicopee and deMacedo while said members are conducting business in the State House on matters of conference relative to transportation.

Papers from the Senate.

Public
construction.

The Senate Bill further regulating public construction in the Commonwealth (Senate, No. 2358, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment in section 25, in line 3, by striking out the following: "sections 15, to 21, inclusive, of" with the following further amendments:

In section 11, in paragraph (F), striking out the words "Notwithstanding the" and inserting in place thereof the word "Notwithstanding";

In section 19, in proposed section 44D¾, in subsection (e), in paragraph (2), in clause (1), inserting after the word "architects" the word "for";

In said section 19, in said proposed section 44D¾, in subsection (i), striking out the last sentence contained therein;

In section 27, in proposed chapter 149A, in proposed section 16, in subsection (d), in the second sentence, striking out the words "construction management at risk" and inserting in place thereof the words "design build"; and

In section 32, adding at the end thereof the following sentence: "The corporations established pursuant to chapter 138 of the acts of 1992 and chapter 163 of the acts of 1997 shall not be considered auxiliary organizations of the university."; and

Inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to regulate public construction in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of Rule 35, on motion of Mr. Walsh of Boston, the further amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

At the request of the same member, the further amendments were divided.

On further motion of Mr. Walsh of Boston, the House non-concurred with the Senate in its further amendment in section 32.

Representatives Rodrigues of Westport and Story of Amherst then moved that the House concur with the Senate in the residue of its further amendments with a still further amendment striking out section 30 (as printed) and inserting in place thereof the following two sections:

"SECTION 29. The second paragraph of section 18 of chapter 773 of the acts of 1960 is hereby amended by inserting at the end thereof the following sentence:— As used in the section, the term 'nongovernmental sources' shall be limited to private donations, gifts, contracts, or grants, including commercial ventures and intellectual property contracts, or grants or contracts from the federal government or the administrative overhead associated with such grants and contracts; but the term shall not mean revenue derived from fees, tuition or charges of any kind paid by students, faculty, or staff.

SECTION 29A. The provisions of section 30 shall expire on August 1, 2006."

The still further amendments were adopted. The House then concurred with the residue of the Senate further amendments, as amended.

Sent to the Senate for its action.

Subsequently the bill came from the Senate with the endorsement that said branch had concurred with the House in its still further amendments; and insisted on its further amendment in section 30 (as printed).

construction.

On motion of Mr. Walsh of Boston, the House then receded from its non-concurrence with the Senate in its further amendment in section 30 (as printed); and concurred therein with still further amendments striking out the following sentence: "The corporations established pursuant to chapter 138 of the acts of 1992 and chapter 163 of the acts of 1997 shall not be considered auxiliary organizations of the university." (as inserted by further amendment by the Senate) and inserting after section 30 (as printed) the following two sections:

"SECTION 32A. The corporations established pursuant to chapter 138 of the acts of 192 and chapter 163 of the acts of 1997 shall not be considered auxiliary organizations of the university.

SECTION 32B. Section 32A shall expire on August 1, 2006."

Sent to the Senate for concurrence in the still further amendment.

Springfield, financial stability.

The House Bill relative to the financial stability in the city of Springfield (printed in House, No. 4799, amended) came from the Senate with the endorsement that said branch had receded from its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2422) (in which the House had non-concurred).

The bill bore the further endorsement that it had been amended by said branch in section 2, in lines 22 to 24, inclusive, striking out the words "the fiscal year immediately following the fiscal year in which any amounts are loaned from this item" and inserting in place thereof the following: "fiscal year 2008", in line 25, striking out the figures "2010" and inserting in place thereof the figures "2012", in line 30, striking out the figures "2011" and inserting in place thereof the figures "2013"; and by inserting after section 4 the following section:

"SECTION 4A. Within 30 days after the appointment of the board, but no later than September 1, 2004, the board shall make a preliminary report to the secretary of administration and finance and to the chairpersons of the house and senate committees on ways and means. The report shall present a preliminary analysis of the fiscal crisis in Springfield and the board's preliminary finance and management plans to address the city's operating and structural deficits. The board shall examine the feasibility and advisability of measures to mitigate or relieve the burden of school transportation costs."

Under suspension of Rule 35, on motion of Mr. Petrolati of Ludlow, the amendments were considered forthwith; and they were adopted, in concurrence.

Bills

Providing benefits to certain injured workers (Senate, No. 123) (substituted, in part, for Senate bill, No. 72);

Injured social workers. Physicians, credentials.

Improving the physician credentialing process (Senate, No. 2308, amended in section 1, in line 00, by inserting after the word "expanded" the words "by the division of insurance") (on Senate, No. 625 and House, No. 1864);

Energy consumption, study.

Establishing a special commission to study energy consumption by the government of the Commonwealth (Senate, No. 2428) (on Senate bill, No. 375);

Disabled,

To encourage the employment of people with disabilities (Senate, No. 2429) (on Senate bill, No. 791);

employment.

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

Bills

Relative to the licensure of animal control officers (Senate, No. 140, amended in lines 7 and 8, by striking out the words "in connection with the Massachusetts Criminal Justice Training Council") (on a petition);

Animal control officers.

To increase the retirement allowance for certain retirees of the town of Arlington (Senate, No. 1931) (on a petition) [Local Approval Received];

Arlington retirees, allowance.

Authorizing the city of Waltham to continue the use of certain park land for water purposes (printed as House, No. 3849) (on a petition) [Local Approval Received];

Waltham, park land.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Notice was received from the Senate that Senators Panagiotakos and Knapik had been relieved of duty (at their own request) from the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2401 of the House Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4601); and that Senators Baddour and Tarr had been appointed to said committee to fill the existing vacancies.

General Appropriations Bill

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain Senate and House documents concerning the courts of the Commonwealth (House, No. 4609) reported, in part, asking to be discharged from further consideration

Courts, study.

Of the petition (accompanied by bill, House, No. 180) of Paul Kujawski relative to deeds, mortgages, leases and other agreements of certain corporations; and

Corporations, sales and leases.

Of the petition (accompanied by bill, House, No. 731) of Eugene L. O'Flaherty, Robert S. Creedon, Jr., Christopher G. Fallon and Gale D. Candaras relative to malpractice actions against social workers;

Social workers, malpractice.

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

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

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain House documents concerning anti-

Somerville, anti-gang measures.

Somerville,

anti-gang measures.

gang measures in the city of Somerville (House, No. 4950) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2660) of Dorothy A. Kelly Gay (mayor) Timothy J. Toomey, Jr., Vincent P. Ciampa, Charles E. Shannon and others (members of the board of aldermen) relative to gang loitering in the city of Somerville,— and recommending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

Supplemental appropriations.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House No. 4800, reported, in part, a Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 1000), which was read.

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

Tewksbury, conveyance.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill to authorize and direct the commissioner of the division of capital asset management and maintenance to convey a conservation restriction to the town of Tewksbury (Senate, No. 2427) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Kujawski, 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. Miceli of Wilmington, 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.

Bottled water, distribution.

By Mr. Walsh of Boston, for the committee on Homeland Security and Federal Affairs, that the Bill further regulating the sale and distribution of bottled water and certain other nonalcoholic beverages (Senate, No. 2162) ought to pass with certain amendments.

Revere, terms of bonds.

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, that the Bill relative to the terms of certain bonds of the city of Revere to be issued to finance the construction of a public safety facility (House, No. 4733) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4964) [Local Approval Received].

By the same member, for the same committee, that the Bill authorizing certain borrowing by the town of Tewksbury (House, No. 4813) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4965) [Local Approval Received].

Tewksbury, borrowing.

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

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, that the following bills ought to pass:

Bill facilitating low interest financing for Massachusetts charitable institutions (House, No. 2401); and

Charitable institutions.

Bill relative to the insurance of certain bonds by the town of East Longmeadow (House, No. 4731) [Local Approval Received];

East Longmeadow, bonds.

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

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on a petition, a Bill clarifying elections in the city of Boston (House, No. 4844) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston, elections.

Engrossed Bills.

Engrossed bills

Relative to dangerous buildings (see House, No. 972); and Exempting the position of police chief of the town of Reading from the civil service law (see House, No. 4757); (Which severally originated in the House);

Bills enacted.

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.

Senate bills

Relative to the shellfish wardens training program (Senate, No. 1238); and

Third reading bills.

Authorizing the town of Rockland to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2072) (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

Relative to credit union deposits (House, No. 483); Relative to the town of Marion apportioning sewer assessments over a maximum of thirty annual payments and charging interest at a rate of interest chargeable to the town (House, No. 4402); and

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Authorizing the town of Yarmouth to make certain conveyances of wellfield land (House, No. 4706, changed);

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

Senate bills

Designating a certain bridge in the town of Barre as Private First Class Edward J. Cormier Memorial Bridge (Senate, No. 2280, changed);

Second reading bills.

Second
reading
bills.

Providing for a strong town manager form of government in the town of Abington (Senate, No. 2345); and

Relative to rates for pilot services for vessels using the port of Boston (Senate, No. 2406); and

House bills

Granting additional duties and powers to area boards (House, No. 1116);

Designating the official colors of the Commonwealth (House, No. 2694);

Relative to debt exclusion ballot questions with the town of Groveland (House, No. 2782, changed);

Relative to powers of county governments and councils of government (House, No. 4048);

Providing for county advisory boards on economic development, regional planning and intergovernmental relations (House, No. 4050);

Providing for an advisory board on economic development for each county accepting this section (House, No. 4052);

Relative to sewerage facilities and fees in the town of Millbury (House, No. 4181);

Authorizing the Martha's Vineyard Regional High School District school committee to lease certain property (House, No. 4190);

Designating tea as the official hot beverage of the Commonwealth (House, No. 4192);

Relative to authorizing the city of Lowell to grant permanent easement of park land (approximately 1426 square feet) to abutters (House, No. 4392);

Authorizing the town of Sutton to lease certain conservation land (House, No. 4730);

Validating the proceedings of the annual town meeting in the town of Brookfield (printed in House, No. 4756);

Relative to the reduction of rank for members of the fire department of the city of Boston (House, No. 4791);

Establishing a sick leave bank for Thomas McCabe, an employee of MCI-Norfolk (House, No. 4794);

Relative to student records (House, No. 4807);

Exempting the position of superintendent of streets of the town of Hull from the civil service law (House, No. 4816);

Establishing a paid leave bank for a certain employee of the Department of Social Services (House, No. 4841);

Relative to the sale of alcoholic beverages to be drunk on the premises of clubs or war veterans' organizations in the town of Natick (House, No. 4882); and

Authorizing the town of Hingham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4896);

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

House reports

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 513) of Paul K. Frost relative to the identification requirements of persons registering to vote;

House
reports.

Of the same committee, ought NOT to pass, on petitions relative to Presidential electors in the Commonwealth [based on petitions of Bradley H. Jones, Jr., and others, accompanied by bill, House, No. 2780; Robert M. Koczera and others, accompanied by bill, House, No. 2948; and Antonio F. D. Cabral, accompanied by bill, House, No. 3140];

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3322) of Viriato Manuel deMacedo and other members of the General Court that voters be required to produce identification at election polling places;

Of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, House, No. 641) of Paul K. Frost for legislation to provide for a tax deduction for certain home heating costs; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 642) of Paul K. Frost and Bradley H. Jones, Jr. relative to the taxation of newly formed domestic corporations;

Severally were accepted.

The House Bill establishing a citizen review board (House, No. 4457) (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.

Citizen
review
board.

Pending the question on passing the bill to be engrossed, Ms. Khan of Newton and other members of the House moved that it be amended by substitution of a bill with the same title (House, No. 4969), which was read.

Pending the question on adoption of the amendment, Mr. Walsh of Boston moved that the proposed substitute bill be amended in section 3 by adding at the end thereof the following paragraph:

"(g) It shall report annually on the staffing of Unit 4 positions, so called, in each state correctional institution. Such report shall include, but not be limited to, the following: The number of Unit 4 positions broken down by correctional institution, and the number of Unit 4 positions vacant; the number of Unit 4 positions lost to retirement, discharge or resignation and the number that have been replaced; a breakdown by correctional facility of the staff hours of overtime worked by Unit 4 personnel and the annual aggregate costs related to this overtime; the number of reported assaults upon Unit 4 personnel; the number of Unit 4 personnel out on industrial accident leave, and for each individual, the length of time on leave."

The further amendment was adopted.

The amendment, as amended, then also was adopted; and the substituted bill (House, No. 4969, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to the Massachusetts Property Insurance Underwriting Association (House, No. 4672), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Underwriting
Association.

Pending the question on passing the bill to be engrossed, Mr. Mariano of Quincy moved that it be amended in section 4, in lines 5 to 12,

Underwriting Association.

inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "Said commission shall investigate the availability and affordability of property insurance; the rate driving factors including, but not limited to — the cost and availability of reinsurance; the use of storm damage prediction data; loss prevention techniques that will protect lives and property from windstorm damage; the creation and potential benefit of a state-run catastrophic reinsurance program; and the overall competitiveness of the homeowners market on Cape Cod and throughout Massachusetts."

The amendment was adopted; and the bill (House, No. 4672, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Business districts.

The House Bill to strengthen neighborhood business districts (House, No. 189) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved that it be amended in line 2, by striking out the following: "after section 12(1)" and inserting in place thereof the following: "after the words thirty two, in line 87"; and in line 5, by striking out the following: "751 CMR 8.00" and inserting in place thereof the words "regulations promulgated by the department of housing and community development".

The amendments were adopted; and the bill (House, No. 189, amended) was ordered to a third reading.

Culverts, repair.

The engrossed Bill directing the department of conservation and recreation to repair certain culverts (see House, No. 4918), being a printed copy of Section 251 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment S of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment S of said House, No. 4901 (as perfected by said committee).

The report was accepted.

The House then refused to amend the bill. Sent to the Senate for its action.

Court fees.

The engrossed Bill relative to certain court fees (see House, No. 4915), being a printed copy of Section 208 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment P of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment P of said House, No. 4901 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 20 members voted in the affirmative and 132 in the negative.

[See Yea and Nay No. 696 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Amendment rejected, yea and nay No. 696.

The engrossed Bill relative to the fees of certain superior court cases (see House, No. 4916), being a printed copy of Section 209 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment Q of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment Q of said House, No. 4901 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 21 members voted in the affirmative and 131 in the negative.

[See Yea and Nay No. 697 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Superior court fees.

Amendment rejected, yea and nay No. 697.

The engrossed Bill relative to the sale of cigarettes (see House, No. 4913), being a printed copy of Section 121 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment N of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment N of said House, No. 4901 (as perfected by said committee).

The report was accepted.

After debate on the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 21 members voted in the affirmative and 134 in the negative.

[See Yea and Nay No. 698 in Supplement.]

[Mr. deMacedo of Plymouth answered "Present" in response to his name.]

Cigarette sales.

Amendment rejected, yea and nay No. 698.

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Alternative education grant program.

The engrossed Bill establishing an alternative education grant program (see House, No. 4914), being a printed copy of Section 126 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment O of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment O of said House, No. 4901 (as perfected by said committee).

The report was accepted.

Amendment rejected, ye and nay No. 699.

After debate on the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Ms. St. Fleur of Boston; and on the roll call 22 members voted in the affirmative and 133 in the negative.

[See Ye and Nay No. 699 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Smart Growth Housing Trust Fund.

Mrs. Harkins of Needham being in the Chair,— The engrossed Bill relative to monies received from the disposition of certain surplus property (see House, No. 4917), being a printed copy of Section 239 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment R of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment R of said House, No. 4901 (as perfected by said committee).

The report was accepted.

Amendment rejected, ye and nay No. 700.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 30 members voted in the affirmative and 125 in the negative.

[See Ye and Nay No. 700 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Juvenile justice programs.

The engrossed Bill relative to community based juvenile justice programs (see House, No. 4924), being a printed copy of Section 339 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment Y of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment Y of said House, No. 4901 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 23 members voted in the affirmative and 132 in the negative.

[See Ye and Nay No. 701 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Amendment rejected, ye and nay No. 701.

The engrossed Bill providing for an investigation by a special commission relative to the effects of oxycontin and other drug use (see House, No. 4925), being a printed copy of Section 355 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment Z of House, No. 4901), was considered.

Oxycontin and drug use, study.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment Z of said House, No. 4901 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor was rejected.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 1, in line 00, by striking out the date "June 15, 2005" and inserting in place thereof the date "April 1, 2005"; and the amendment was adopted. Sent to the Senate for its action.

The engrossed Bill providing for an investigation and study by a special commission relative to legal services for indigent persons (see House, No. 4927), being a printed copy of Section 372 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment BB of House, No. 4901), was considered.

Indigent persons, legal services.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment BB of said House, No. 4901 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor was rejected.

Indigent persons, legal services.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended in section 1, by striking out the first paragraph and inserting in place thereof the following paragraph:

“There shall be a commission to study the provision of counsel to indigent persons who are entitled to the assistance of assigned counsel either by constitutional provision, or by statute, or by rule of court. The commission shall be composed of 17 persons, including the governor’s chief legal counsel, 1 member appointed by the governor, 3 members to be appointed by the speaker of the house of representatives, 3 by the president of the Senate; 1 by the house chair and 1 by the senate chair of the committee on the judiciary; the chief justice of the supreme judicial court or her designee; the chief justice for administration and management of the trial court or his designee; the commissioner of probation or his designee; the chief counsel of the committee for public counsel services; a staff attorney employed by, and a private attorney who accepts assignments from, the committee for public counsel services, to be appointed by said committee.

The amendment was adopted. Sent to the Senate for its action.

Juvenile justice pilot programs.

The engrossed Bill clarifying the funding period for certain appropriations (see House, No. 4930), being a printed copy of Section 424 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment DD of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment DD of said House, No. 4901 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

Recess.

At twenty-six minutes after one o’clock P.M., on motion of Mr. Rogers of Norwood (Mrs. Harkins of Needham being in the Chair), the House recessed until two o’clock P.M.; and at twenty-eight minutes after two o’clock the House was called to order with the Speaker in the Chair.

Emergency Measure.

Board of Education.

The engrossed Bill relative to the Board of Education (see House, No. 4903), 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 12 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Mr. DiMasi of Boston being in the Chair,— The engrossed Bill establishing a department of early education and care (see House, No. 4904) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage.

Early education and care.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill re-enacted, yeas and nays No. 702.

[See Yeas and Nays No. 702 in Supplement.]

Therefore the bill was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of North Andover to grant open space restrictions (see House, No. 3847) (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.

North Andover, open space.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking), yeas and nays No. 703.

[See Yeas and Nays No. 703 in Supplement.]

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

The engrossed Bill authorizing the town of North Andover to grant a certain easement (see House, No. 4090) (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.

North Andover, easement.

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.

Bill enacted (land taking), yeas and nays No. 704.

[See Yeas and Nays No. 704 in Supplement.]

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

The engrossed Bill relative to the release of a conservation restriction in the town of Grafton (see House, No. 4352) (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.

Grafton, conservation restriction.

Bill enacted (land taking), yea and nay No. 705.

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. 705 in Supplement.]

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

Orders of the Day.

Community policing grants.

The engrossed Bill establishing a formula for the distribution of community policing grants (see House, No. 4926), being a printed copy of Section 368 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment AA of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment AA of said House, No. 4901 (as perfected by said committee).

The report was accepted.

Amendment rejected, yea and nay No. 706.

After debate on the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call (Mr. Scaccia of Boston being in the Chair) 21 members voted in the affirmative and 129 in the negative.

[See Yea and Nay No. 706 in Supplement.]

Therefore the House refused to amend the bill. Sent to the Senate for its action.

Medical examiners.

The engrossed Bill relative to the reporting and liability of the chief and district medical examiners (see House, No. 4923), being a printed copy of Section 324 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment X of House, No. 4901), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment X of said House, No. 4901 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor was rejected.

Messrs. Rogers of Norwood and Larkin of Pittsfield then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding the provision of any general or special law to the contrary, a health care provider of any patient who expires in said provider’s care shall be legally entitled to receive a copy of such autopsy reports for the purposes of quality assurance and improvement. The chief medical examiner, or his designee, shall not be subject to civil or criminal liability for disclosing, upon written request, an autopsy report, any part thereof, or information relating to an autopsy, to any medical peer review committee as defined by section 1 of chapter 111 of the General Laws for the purpose of completing a review or requesting health care provider. The chief medical examiner shall not be required to provide said reports to said health care provider if there is a law enforcement investigation of the death.

SECTION 2. This act shall take effect as of July 1, 2004.”

The amendment was adopted.

Sent to the Senate for its action.

The engrossed Bill relative to low income housing tax credit (see House, No. 4911), being a printed copy of Section 113 contained in the engrossed Bill making appropriations for the fiscal year 2005 (House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment L of House, No. 4901), was considered.

Low income housing tax credit.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment L of said House, No. 4901 (as perfected by said committee).

The report was accepted.

The amendment recommended by the Governor was rejected.

Messrs. Honan of Boston and Rogers of Norwood then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4966.

The amendment was adopted.

Sent to the Senate for its action.

At twenty-six minutes after four o’clock P.M., the Chair (Mr. Scaccia of Boston) declared a recess until a quarter before five o’clock; and at twenty minutes after five o’clock the House was called to order with the Speaker in the Chair.

Recess.

The House Bill relative to oil spill prevention and response in Buzzards Bay and other harbors and bays in the Commonwealth (House, No. 4831) (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.

Buzzards Bay, oil spill.

Pending the question on passing the bill to be engrossed, Mr. Quinn of Dartmouth moved that it be amended in section 4 (as printed), in

line 13, by striking out the following: “\$30 per gross ton” and inserting in place thereof the following: “\$5,000,000”.

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Greene of Billerica; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 707 in Supplement.]

Therefore the bill (House, No. 4831, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill — Land Taking.

The Speaker being in the Chair,— The engrossed Bill to authorize and direct the commissioner of the division of capital asset management and maintenance to convey a conservation restriction to the town of Tewksbury (see Senate, No. 2427) (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 152 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 708 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 authorizing the division of capital asset management and maintenance to lease certain property (see Senate, No. 2234, amended) (which originated in the Senate), 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.

Orders of the Day.

The engrossed Bill relative to authorizing the modification of the form of property tax billing in the town of Belmont (see House, No. 3981), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4755), was considered.

On the question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 130 members voted in the affirmative and 18 in the negative.

[See Yeas and Nays No. 709 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Bill passed to be engrossed, yeas and nays No. 707.

Tewksbury, conservation restriction.

Bill enacted (land taking), yeas and nays No. 708.

Bill enacted.

Belmont, property tax bills.

Bill passed over veto, yeas and nays No. 709.

Recess.

At eight minutes before eight o'clock P.M., Ms. Blumer of Framingham took the Chair; declared a recess subject to the call of the Chair; and at three minutes before nine o'clock, the House was called to order with the Speaker in the Chair.

Recess.

Suspension of Rule 1A.

The Speaker then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Suspension of Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 123 members voted in the affirmative and 25 in the negative.

Rule 1A suspended, yeas and nays No. 710.

[See Yeas and Nays No. 710 in Supplement.]

Therefore Rule 1A was suspended.

Recess.

At ten minutes after nine o'clock P.M., Mrs. Harkins of Needham took the Chair; declared a recess until twenty minutes after nine o'clock; and at seventeen minutes before ten o'clock, the House was called to order with Mrs. Harkins in the Chair.

Recess.

Emergency Measures.

The engrossed Bill establishing an alternative education grant program (see House, No. 4914), 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.

Alternative education.

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 41 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

The engrossed Bill relative to monies received from the disposition of certain surplus property (see House, No. 4917), 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.

Smart Growth Housing Trust Fund.

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 53 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)

Bill re-enacted.

(which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Revere and Boston, Sales Creek.

The engrossed Bill directing the department of conservation and recreation to repair certain culverts (see House, No. 4918), 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 51 to 0. Sent to the Senate for concurrence.

Bill re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Juvenile justice programs.

The engrossed Bill relative to community based juvenile justice programs (see House, No. 4924, 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 55 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed Bills

Bills re-enacted.

Providing for an investigation by a special commission relative to the effects of oxycontin and other drug use (see House, No. 4925, amended); and

Clarifying the funding period for certain appropriations (see House, No. 4930, amended);

(Which severally originated in the House);

Severally having been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be re-enacted, in their amended form; and they were signed by the acting Speaker and sent to the Senate.

Engrossed Bill — State Loan.

Supplemental appropriations.

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. 1000) (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 “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 148 members voted in the affirmative and 0 in the negative.

Bill enacted (state loan), yea and nay No. 711.

[See Yea and Nay No. 711 in Supplement.]

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

The engrossed Bill relative to certain court fees (see House, No. 4915), 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.

Trial courts, fees.

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 65 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was put upon its final passage.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 146 members voted in the affirmative and 1 in the negative.

Bill re-enacted, yea and nay No. 712.

[See Yea and Nay No. 712 in Supplement.]

Therefore the bill was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the fees of certain superior court cases (see House, No. 4916), 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.

Trial court, fees.

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 42 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was put upon its final passage.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 147 members voted in the affirmative and 1 in the negative.

Bill re-enacted, yea and nay No. 713.

[See Yea and Nay No. 713 in Supplement.]

Therefore the bill was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a formula for the distribution of community policing grants (see House, No. 4926), 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.

Community policing grants.

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 56 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was put upon its final passage.

On the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 147 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 714 in Supplement.]

Therefore the bill was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Recess.

At twenty-five minutes after eleven o'clock P.M., the Speaker took the Chair; declared a recess subject to the call of the Chair; and at eighteen minutes before twelve o'clock midnight, the House was called to order.

Engrossed Bills.

The engrossed Bill relative to community based juvenile justice programs (see House, No. 4924) (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 put upon its final passage.

Pending the question on passing the bill to be re-enacted, Mr. Jones of North Reading moved that Rule 40 be suspended; and the motion prevailed.

The same member and other members of the House then moved that the bill be amended in section 1, in the second paragraph, in the first sentence, by striking out the word "Hampden" and inserting in place thereof the word "Hampshire".

The amendment was adopted. The bill (see House, No. 4924, amended) then was sent to the Senate for concurrence.

The engrossed Bill relative to the financial stability in the city of Springfield (see House bill printed in House, No. 4799, 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 (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.

Order.

On motion of Mr. Peterson of Grafton,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at one minute before twelve o'clock midnight, on further motion of Mr. Peterson (the Speaker being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.

Bill re-enacted, yea and nay No. 714.

Recess.

Community based juvenile justice programs.

Bill enacted.

Next sitting.