

JOURNAL OF THE HOUSE.

Wednesday, July 19, 2006.

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

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

*Pledge of
allegiance.*

Statement of Representative Candaras of Wilbraham.

A statement of Ms. Candaras of Wilbraham 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 able to be present in the House Chamber for the remainder of today's sitting due to a previously scheduled commitment. If I were able to be present for consideration of the pending overrides of the Governor's actions on the fiscal year 2007 budget (House, No. 5000), I would vote, in each instance, in the affirmative. Any roll calls that I may miss will be due entirely to the reason stated.

*Statement of
Representative
Candaras of
Wilbraham.*

Reports of Committees.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain House documents concerning parks and recreation land, surplus land and easements and other related matters (House, No. 4770), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 1434) of Paul J. Donato relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Saugus— and recommending that the same be recommitted to the committee on Bonding, Capital Expenditures and State Assets. Under Rule 42, the report was considered forthwith; and it was accepted.

*Surplus
land,
study.*

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning revenue for the Commonwealth and other related matters (House, No. 4814), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2335) of John J. Binienda and others for legislation to exempt medical supplies used in monitoring diabetes from the sales tax— and recommending that the same be recommitted to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

*Commonwealth
revenue,
study.*

Land transfers, study.

By Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain House documents concerning land transfer (House, No. 4951),— and recommending that the same be recommitted to the committee on Bonding, Capital Expenditures and State Assets. Under Rule 42, the report was considered forthwith; and it was accepted.

Boston, sewer and drainage easements.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the city of Boston and the Commonwealth of Massachusetts to grant sewer and drainage easements over certain parcels of land in the city of Boston (Senate, No. 2627) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. St. Fleur, the bill was read a second time forthwith; and it was ordered to a third reading.

Pensioners, service after retirement.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to capping payment of pensioners for services after retirement (House, No. 263) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Blumer of Framingham, the bill was read a second time forthwith; and it was ordered to a third reading.

Easton, veterans benefits.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing reimbursement to the town of Easton for veterans' benefits expended in past years (House, No. 4917) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Malia of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Norwood and Sharon, sewer access.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Norwood to grant access to its sewer system and to assess charges therefor (House, No. 5058) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Malia of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

State Police.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to survivors of the State Police (House, No. 4941) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means pending.

Under suspension of Rule 7A, on motion of Ms. St. Fleur of Boston, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in section 1 [A] by

striking out the sentence contained therein and inserting in place thereof the following sentence: "The preceding sentence shall also apply to the surviving spouses of Roy F. Sibley and John Regan, who died in active service whose surviving spouses are currently receiving retirement benefits.",— was considered.

Pending the question on adoption of the amendment, Mr. DeLeo of Winthrop moved that it be amended by striking out the text contained therein [at "A"] and inserting in place thereof the following: "by striking out the following: 'Thomas T. Trainor, John Regan, Richard Wakefield, John J. Kelly, Edward F. Hunter, William F. Kidney, Perley K. Johnson, and James V. Grant, and also to the surviving spouses of William Irving, Eugene L. Murphy, and Robert H. Cairns' and inserting in place thereof the following:— John Regan and Edward F. Hunter".

The further amendment was adopted, thus precluding a vote on the amendment recommended by the committee on Ways and Means; and the bill (House, No. 4941, amended) was ordered to a third reading.

A report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5037) of Bradley H. Jones, Jr., for legislation to authorize organizations to employ certain persons to conduct raffles and bazaars, was considered forthwith, under suspension of the rules, on motion of Mr. Pedone of Worcester.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill relative to the conduct of raffles and bazaars by certain organizations (House, No. 5037), which was read.

The amendment was adopted; and the bill was placed in the Orders of the Day for a second reading.

A report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5039) of Jennifer M. Callahan for legislation to establish a sick leave bank for Karen Kilroy, an employee of the Department of Correction, was considered forthwith, under suspension of the rules, on motion of Mr. Sciortino of Medford.

Pending the question on acceptance of the report, Ms. Callahan of Sutton moved that it be amended by substitution of the Bill establishing a sick leave bank for Karen Kilroy, and employee of the Massachusetts Department of Corrections (House, No. 5039), which was read.

The amendment was adopted; and the bill was placed in the Orders of the Day for a second reading.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the on-premises consumption of wine (Senate, No. 2213) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Raffles and bazaars.

Karen Kilroy, sick leave bank.

Wine, off premises.

Ice
rinks.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 5178, a Bill relative to ice rinks in the Commonwealth (House, No. 5199).

Sales
tax.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, on Senate, No. 265, a Bill providing for a certain exemption from the sales tax (House, No. 5200).

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

Deerfield
Senior
Housing
Corporation.

By Mr. Honan of Boston, for the committee on Housing, on a recommitment petition, a Bill to create a non-profit Massachusetts 501(c)(3) Deerfield Senior Housing Corporation whose mission is "to assist Deerfield seniors in adapting their homes to meet their needs" (House, No. 4377). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Low-income
seniors,
tax
exemptions.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill to create an exemption for low-income seniors from Proposition 2½ overrides (House, No. 2341) ought to pass. Placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

Bill
enacted.

The engrossed Bill establishing state trademarks (see House, No. 3500) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill relative to mercury management (see House, No. 5112, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Bills
enacted.

Relative to the retirement classification of emergency medical services employees in the town of Billerica (see Senate, No. 2093, amended) (which originated in the Senate); and

Relative to the release of a conservation restriction in the town of Bedford (see House, No. 4317, amended) (which originated in the House);

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

Recesses.

At eighteen minutes after eleven o'clock A.M., on motion of Ms. Story of Amherst (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at seven minutes after one o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recesses.

The House thereupon took a further recess, on motion Mr. Donato, until half past one o'clock; and at twenty minutes before two o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Ms. Rogeness of Longmeadow thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

Quorum,
yea and nay
No. 565.

[See Yea and Nay No. 565 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5000), returning with his disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4901), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General
Appropriation
Bill,
reductions
and
disapprovals.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. DeLeo, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 0640-0010 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$10,000,000 to \$2,000,000.

Lottery advertising item 0640-0010 stands, yea and nay No. 566.

After remarks on the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 10 in the negative.

[See Yea and Nay No. 566 in Supplement.]

Therefore Item 0640-0010 (contained in section 2) passed, notwithstanding the action 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.

Item 1599-0093 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$54,907,283 to \$54,618,383.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 567 in Supplement.]

Therefore Item 1599-0093 (contained in section 2) passed, notwithstanding the action 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.

Item 1599-3838 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$9,308,806 to \$9,208,706.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 568 in Supplement.]

Therefore Item 1599-3838 (contained in section 2) passed, notwithstanding the action 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.

Item 4120-3000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$8,463,481 to \$8,063,481.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 569 in Supplement.]

Therefore Item 4120-3000 (contained in section 2) passed, notwithstanding the action 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.

Revolving fund debt item 1599-0093 stands, yea and nay No. 567.

Drinking water item 1599-3838 stands, yea and nay No. 568.

M R C Employment Assistance item 4120-3000 stands, yea and nay No. 569.

Item 4120-4000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$10,597,486 to \$10,243,975.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 149 members voted in the affirmative and 7 in the negative.

[See Yea and Nay No. 570 in Supplement.]

Therefore Item 4120-4000 (contained in section 2) passed, notwithstanding the action 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.

Item 4800-0041 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$235,963,159 to \$232,463,159.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 571 in Supplement.]

Therefore Item 4800-0041 (contained in section 2) passed, notwithstanding the action 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.

Item 4800-0091 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 572 in Supplement.]

Therefore Item 4800-0091 (contained in section 2) passed, notwithstanding the action 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.

Item 4800-2025 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 573 in Supplement.]

Therefore Item 4800-2025 (contained in section 2) passed, notwithstanding the action 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.

Independent living item 4120-4000 stands, yea and nay No. 570.

Group care services item 4800-0041 stands, yea and nay No. 571.

Social worker training item 4800-0091 stands, yea and nay No. 572.

Family networks item 4800-2025 stands, yea and nay No. 573.

Item 5046-0000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording, reduced a certain earmark and reduced said item from \$304,832,778 to \$301,757,778.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 574 in Supplement.]

Therefore Item 5046-0000 (contained in section 2) passed, notwithstanding the action 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.

Item 5920-3010 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 147 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 575 in Supplement.]

Therefore Item 5920-3010 (contained in section 2) passed, notwithstanding the action 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.

Item 6000-0200 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 576 in Supplement.]

Therefore Item 6000-0200 (contained in section 2) passed, notwithstanding the action 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.

Item 6010-0001 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$17,278,815 to \$16,853,815.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 577 in Supplement.]

Therefore Item 6010-0001 (contained in section 2) passed, notwithstanding the action 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.

Item 7000-9401 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$15,730,361 to \$15,480,361.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 578 in Supplement.]

Therefore Item 7000-9401 (contained in section 2) passed, notwithstanding the action 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.

Item 7000-9501 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$9,289,844 to \$9,189,844.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 579 in Supplement.]

Therefore Item 7000-9501 (contained in section 2) passed, notwithstanding the action 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.

Item 7003-0605 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 149 members voted in the affirmative and 5 in the negative.

[See Yea and Nay No. 580 in Supplement.]

Therefore Item 7003-0605 (contained in section 2) passed, notwithstanding the action 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.

Item 7003-0702 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$9,634,000 to \$3,100,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 143 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 581 in Supplement.]

Therefore Item 7003-0702 (contained in section 2) passed, notwithstanding the action 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.

Adult
mental
health
item
5046-0000
stands,
yea and nay
No. 574.

Division of
Autism
item
5920-3010
stands,
yea and nay
No. 575.

LIFT
bus
service
item
6000-0200
stands,
yea and nay
No. 576.

Department
of Highways
item
6010-0001
stands,
yea and nay
No. 577.

Regional
public
libraries
item
7000-9401
stands,
yea and nay
No. 578.

Aid to
municipal
libraries
item
7000-9501
stands,
yea and nay
No. 579.

Manufacturing
extension
partnership
item
7003-0605
stands,
yea and nay
No. 580.

Workforce
development
one time
grants
item
7003-0702
stands,
yea and nay
No. 581.

Item 7004-0099 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$11,325,833 to \$9,478,833.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 145 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 582 in Supplement.]

Therefore Item 7004-0099 (contained in section 2) passed, notwithstanding the action 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.

Item 7004-2475 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$5,000,000 to \$3,500,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 583 in Supplement.]

Therefore Item 7004-2475 (contained in section 2) passed, notwithstanding the action 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.

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

Mr. Smizik of Brookline moved that the Senate Bill amending the toxics use reduction act (Senate, No. 2250, amended), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time, its title having been changed by said committee to read: "An Act relative to the toxics use reduction act."

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 584 in Supplement.]

Therefore the bill (Senate, No. 2250, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

Reports of Committees.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5000), returning with his disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the

fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4901), reported, in part, in each instance, that certain items (contained in section 2) and sections stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. DeLeo, the following items and sections were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 7004-9024 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$27,483,345 to \$24,283,345.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 145 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 585 in Supplement.]

Therefore Item 7004-9024 (contained in section 2) passed, notwithstanding the action 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.

Item 7004-9316 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item \$5,000,000 to \$3,000,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 586 in Supplement.]

Therefore Item 7004-9316 (contained in section 2) passed, notwithstanding the action 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.

Item 7007-0951 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item \$6,850,000 to \$6,050,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 587 in Supplement.]

Housing and
Community
Development
item
7004-0099
stands,
yea and nay
No. 582.

Soft
second
mortgage
item
7004-2475
stands,
yea and nay
No. 583.

Toxic use
reduction.

Bill
passed
to be
engrossed,
yea and nay
No. 584.

General
Appropriation
Bill,
reductions
and
disapprovals.

Rental
Voucher
Program
item
7004-9024
stands,
yea and nay
No. 585.

Homeless
Families
Assistance
item
7004-9316
stands,
yea and nay
No. 586.

Commonwealth
Zoological
Corporation
item
7007-0951
stands,
yea and nay
No. 587.

Therefore Item 7007-0951 (contained in section 2) passed, notwithstanding the action 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.

Item 7007-0500 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 588 in Supplement.]

Therefore Item 7007-0500 (contained in section 2) passed, notwithstanding the action 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.

Mr. Donato of Medford being in the Chair,—

Section 48, which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 589 in Supplement.]

Therefore section 48 passed, notwithstanding the action 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.

Section 49, which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 590 in Supplement.]

Therefore section 49 passed, notwithstanding the action 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.

Section 50, which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 591 in Supplement.]

Therefore section 50 passed, notwithstanding the action 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.

Section 51, which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 592 in Supplement.]

Therefore section 51 passed, notwithstanding the action 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.

Section 52, which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 593 in Supplement.]

Therefore section 52 passed, notwithstanding the action 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.

Item 8000-0050 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 594 in Supplement.]

Therefore Item 8000-0050 (contained in section 2) passed, notwithstanding the action 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.

Item 8100-0000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$220,931,717 to \$218,423,497.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 151 members voted in the affirmative and 5 in the negative.

[See Yea and Nay No. 595 in Supplement.]

Therefore Item 8100-0000 (contained in section 2) passed, notwithstanding the action 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.

Item 8324-0000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$10,927,047 to \$10,827,047.

Biotech
Research
Institute
item
7007-0500
stands,
yea and nay
No. 588.

MetroZoos
Zoological
Trust
section 48
stands,
yea and nay
No. 589.

Zoological
Corporation
definitions
section 49
stands,
yea and nay
No. 590.

Zoological
Corporation
section 50
stands,
yea and nay
No. 591.

MetroZoos
Zoological
Trust
section 51
stands,
yea and nay
No. 592.

Zoological
Corporation
section 52
stands,
yea and nay
No. 593.

Firefighting
equipment
grant
item
8000-0050
stands,
yea and nay
No. 594.

State
Police
Administration
item
8100-0000
stands,
yea and nay
No. 595.

Fire Services Administration item 8324-0000 stands, yea and nay No. 596.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 596 in Supplement.]

Therefore Item 8324-0000 (contained in section 2) passed, notwithstanding the action 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.

Item 8900-0001 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$452,347,512 to \$452,267,512.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 597 in Supplement.]

Therefore Item 8900-0001 (contained in section 2) passed, notwithstanding the action 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.

Item 8910-0102 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item \$66,264,176 to \$63,803,702.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 598 in Supplement.]

Therefore Item 8910-0102 (contained in section 2) passed, notwithstanding the action 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.

Item 8910-0107 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$62,711,438 to \$45,147,510.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 599 in Supplement.]

Therefore Item 8910-0107 (contained in section 2) passed, notwithstanding the action 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.

Item 4510-0600 (contained in section 2), which had been reduced by the Governor, then was considered.

Corrections consolidated facilities item 8900-0001 stands, yea and nay No. 597.

Hampden County Corrections item 8910-0102 stands, yea and nay No. 598.

Middlesex Correctional Facility operations item 8910-0107 stands, yea and nay No. 599.

The Governor had stricken certain wording and reduced said item \$3,509,106 to \$3,204,306.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 600 in Supplement.]

Therefore Item 4510-0600 (contained in section 2) passed, notwithstanding the action 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.

Item 4512-0103 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$36,388,608 to \$35,653,608.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 15 in the negative.

[See Yea and Nay No. 601 in Supplement.]

Therefore Item 4512-0103 (contained in section 2) passed, notwithstanding the action 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.

Item 4513-1000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$5,364,721 to \$5,114,721.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 142 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 602 in Supplement.]

Therefore Item 4513-1000 (contained in section 2) passed, notwithstanding the action 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.

Item 4513-1020 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$32,956,637 to \$31,956,637.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 603 in Supplement.]

Therefore Item 4513-1020 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of

Health Hazards Programs item 4510-0600 stands, yea and nay No. 600.

Acquired Immune Deficiency Program item 4512-0103 stands, yea and nay No. 601.

Family Health Services item 4513-1000 stands, yea and nay No. 602.

Early Intervention Services item 4513-1020 stands, yea and nay No. 603.

the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4513-1130 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$3,735,066 to \$3,577,066.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 604 in Supplement.]

Therefore Item 4513-1130 (contained in section 2) passed, notwithstanding the action 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 Mrs. Parente of Milford 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 voted in the negative on the preceding roll call and now find that, for some inexplicable reason, I was recorded as having voted in the affirmative.

Item 4518-0200 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording in said item.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 605 in Supplement.]

Therefore Item 4518-0200 (contained in section 2) passed, notwithstanding the action 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.

Item 4590-0250 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$16,730,544 to \$16,430,544.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 104 members voted in the affirmative and 50 in the negative.

[See Yea and Nay No. 606 in Supplement.]

Therefore Item 4590-0250 (contained in section 2) passed, notwithstanding the action 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.

Section 4, which had been vetoed by the Governor, then was considered.

After debate on the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 99 members voted in the affirmative and 52 in the negative.

[See Yea and Nay No. 607 in Supplement.]

Therefore the veto by the Governor was sustained (less than two-thirds of the members present and voting having voted in the affirmative).

Ms. Malia of Boston then moved that this vote be reconsidered.

Pending the question on the motion to reconsider, at a quarter before six o'clock P.M., on motion of Mr. Petrolati of Ludlow (Mr. Donato of Medford being in the Chair), the House recessed until the hour of six o'clock P.M.; and, there being no objection, at five minutes before six o'clock, the House was called to order earlier than the time to which it had recessed by the Speaker.

An engrossed bill having been re-enacted, after a brief recess, the House reconvened at twelve minutes after six o'clock with Mr. Donato in the Chair.

Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

[See Yea and Nay No. 608 in Supplement.]

Therefore a quorum was present.

On the pending motion to reconsider, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson; and on the roll call 122 members voted in the affirmative and 25 in the negative.

[See Yea and Nay No. 609 in Supplement.]

Therefore the motion to reconsider prevailed.

After debate on the recurring question on passing section 4, notwithstanding the objections of the Governor, the sense of the House was taken by yeas and nays, as required by the Constitution; and on the roll call 104 members voted in the affirmative and 44 in the negative.

[See Yea and Nay No. 610 in Supplement.]

Therefore section 4 passed, notwithstanding the action 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.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the towns of Fairhaven, Marion, Mattapoisett and Rochester to make certain conveyances of well field and water supply and protection land to the Mattapoisett River Valley Water District (see House, No. 4379) (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.

Domestic Violence item 4513-1130 stands, yea and nay No. 604.

Statement of Representative Parente of Milford.

Vital Records Retained Revenue item 4518-0200 stands, yea and nay No. 605.

School Health Services item 4590-0250 stands, yea and nay No. 606.

Gay and Lesbian Youth Commission section 4 veto sustained, yea and nay No. 607.

Recess.

Quorum.

Quorum, yea and nay No. 608.

Motion to reconsider prevailed, yea and nay No. 609.

Commission on Gay and Lesbian Youth section 4 stands, yea and nay No. 610.

Mattapoisett River Valley Water District.

Bill enacted
(Land taking),
yea and nay
No. 611.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 611 in Supplement.]

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

Reports of Committees.

General
Appropriation
Bill,
reductions
and
disapprovals.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5000), returning with his disapproval of certain items and a section and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4901), reported, in part, in each instance, that certain items (contained in section 2) and section 129 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. DeLeo, the following items and section 129 were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Section 129, which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 10 in the negative.

[See Yea and Nay No. 612 in Supplement.]

Therefore Section 129 passed, notwithstanding the action 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.

Item 9110-1455 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$63,572,979 to \$59,272,979.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 613 in Supplement.]

Senior
Prescription
Drug
Insurance item
9110-1455
stands,
yea and nay
No. 613.

Therefore Item 9110-1455 (contained in section 2) passed, notwithstanding the action 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.

Item 9110-1635 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 614 in Supplement.]

Therefore Item 9110-1635 (contained in section 2) passed, notwithstanding the action 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.

Homemaker
Wage
Add-on
item
9110-1635
stands,
yea and nay
No. 614.

Item 9110-9002 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$7,550,000 to \$7,300,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 615 in Supplement.]

Therefore Item 9110-9002 (contained in section 2) passed, notwithstanding the action 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.

Councils
on Aging
Grants
item
9110-9002
stands,
yea and nay
No. 615.

Paper from the Senate.

The Senate Bill establishing the Asian American Commission (Senate, No. 2201, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendments in section 2 adding at the end thereof the following paragraph:

“(i) The commission staff shall consist of an executive director, employees, an volunteers who assist the commission in effecting its statutory duties. The commission shall appoint the executive director for a term of 3 years. The executive director and employees of the commission shall receive no compensation from the commonwealth for their services.”; and by adding at the end thereof the following section:

“SECTION 4. Notwithstanding any general or special law to the contrary, the executive director of the Asian American Commission, established by section 67 of chapter 3 of the General Laws, shall initially be appointed by the state treasurer for the term of 3 years.” (as changed by the Senate committee on Bills in the Third Reading) with a further amendment in section 2, in paragraph (i) (inserted by amendment by the House), striking out the third sentence as follows: “The

Asian
American
Commission.

executive director and employees of the commission shall receive no compensation from the commonwealth for their services.”.

Under suspension of Rule 35, on motion of Mr. Ayers of Quincy, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Asian
American
Commission,
yea and nay
No. 616.

On the question on concurring with the Senate in its further amendment, 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 127 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 616 in Supplement.]

Therefore the House concurred with the Senate in its further amendment.

Motions to Discharge Certain Matters in the Orders of the Day.

Rowley,
land.

Mr. Jones of North Reading moved that the House Bill relative to the disposition of land owned by the Department of Conservation and Recreation in the town of Rowley in exchange for certain other land located in the town of Rowley (House, No. 4661), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Robert W.
Noseworthy.

The same member then moved that the House Bill relative to the retirement allowance payable to Robert W. Noseworthy (House, No. 4841), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

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

Mr. Peterson of Grafton then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty minutes after seven o'clock P.M. (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.