

## JOURNAL OF THE HOUSE.

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Thursday, July 20, 2006.

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

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

Lord, God, in Whom we place our hope and trust, Your guidance for which we pray, enables us to give direction and purpose to our daily lives, schedules and priorities. Inspire us to use our human and spiritual gifts and talents, which You have given to us, wisely as we carry out our daily responsibilities and tasks. Help us with Your assistance to understand more clearly the proposed legislative and public policy issues of the day as well as their consequences on our communities and on the people. During these times of worldwide terrorism and conflicts in which the innocent often suffer, teach us in our country to respect the human, civil and religious rights of all as we strive to build a stable, civil and ethical society.

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

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

*Message from the Governor — Veto.*

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Lakeville [see House, No. 5016] (for message, see House, No. 5213) was filed this day in the Office of the Clerk.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

*Message from the Governor.*

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2007 to provide for National Guard tuition and fee waivers (House, No. 5202) was filed in the office of the Clerk on Wednesday, July 19.

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

*Silent Prayers.*

Marine Lance  
Corporal  
Geoffrey  
Cayer.

During the session, at the request of Representatives Flanagan of Leominster, Goguen of Fitchburg and Rice of Gardner (Mrs. Harkins of Needham being in the Chair), the members, guests and employees stood in a moment of silent prayer in memory of Marine Lance Corporal Geoffrey Cayer, of Fitchburg, a 2004 graduate of Fitchburg High School, who was killed on Tuesday, July 18, in Iraq while on active duty.

Army Sergeant  
Mark  
Vecchione.

During the session, at the request of Mrs. Gomes of Harwich (Mrs. Harkins of Needham being in the Chair), the members, guests and employees stood in a moment of silent prayer in memory of Army Sergeant Mark Vecchione of Eastham, who was killed on Tuesday, July 18, in Iraq when a tank that he was riding in was struck by an improvised explosive device.

*Statement of Representative Linsky of Natick.*

A statement of Mr. Linsky of Natick was spread upon the records of the House, as follows:

Statement of  
Representative  
Linsky of  
Natick.

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 a previously scheduled long-standing family commitment. Any roll calls that I may miss will be due entirely to the reason stated.

*Statement of Representative Spiliotis of Peabody.*

A statement of Ms. Spiliotis of Peabody was spread upon the records of the House, as follows:

Statement of  
Representative  
Spiliotis of  
Peabody.

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 a previously scheduled commitment as a guest speaker with Operation Troop Support, an organization offering support to members of the Armed Forces serving overseas and their family members. Any roll calls that I may miss will be due entirely to the reason stated.

*Guests of the House.*

Mayor  
Edward M.  
Lambert, Jr.

During the session, the Chair (Mrs. Harkins of Needham) declared a brief recess and introduced Fall River Mayor Edward M. Lambert, Jr., former member of the House of Representatives from 1989 to 1996, inclusive. Mayor Lambert was the guest of Mr. Correia of Fall River, Sullivan of Fall River and Rodrigues of Westport.

Gaspar  
family.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Julio and Maria Gaspar of Portugal and Jose, Sue, Jack and Samantha Gaspar of New Bedford. They were the guests of Representative Cabral of New Bedford.

*Resolutions.*

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

Resolutions (filed by Mr. Rice of Gardner) recognizing "Downtown Lower Manhattan" Poetry Project; and

Resolutions (filed by Mr. Turkington of Falmouth) celebrating the one hundred and fiftieth anniversary of Gay Head Light;

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

Poetry  
project.  
Gay Head  
Light.

Resolutions (filed with the Clerk by Mr. Rushing of Boston) honoring the memory of John Andrew Ross, were referred, under Rule 85, to the committee on Rules.

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

John  
Andrew  
Ross.

*Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Linsky of Natick, petition (accompanied by bill, House, No. 4873) of David Paul Linsky and Alice Hanlon Peisch (by vote of the town) that the town of Natick be authorized to enter into an agreement with the Division of Capital Planning and Operations for the lease of certain property located on Speen Street in said town. To the committee on Bonding, Capital Expenditures and State Assets.

By Mr. Correia of Fall River, petition (accompanied by bill, House, No. 4874) of Robert Correia and others (with the approval of the mayor and city council) that the city of Fall River be authorized to place on the ballot a certain question relative to a loan order for the construction of sewers, sewerage systems and sewage treatment and disposal facilities in said city. To the committee on Election Laws.

By Mr. Kane of Holyoke, petition (accompanied by bill, House, No. 4866) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) relative to the issuance of bonds for the geriatric authority of the city of Holyoke;

By Mr. Loscocco of Holliston, petition (accompanied by bill, House, No. 4867) of Paul J.P. Loscocco (by vote of the town) that the town of Hopkinton be authorized to acquire the North Pond/Lake Maspenock Dam located in the towns of Upton and Milford;

By the same member, petition (accompanied by bill, House, No. 4868) of Paul J.P. Loscocco (by vote of the town) that the town of Hopkinton be authorized to deposit certain monies in the stabilization fund of said town;

Natick,  
property  
lease.

Fall River,  
ballot  
question.

Holyoke,  
geriatric  
authority.

Hopkinton,  
Upton and  
Milford.

Hopkinton,  
stabilization  
fund.

Hopkinton,  
public works.

By the same member, petition (accompanied by bill, House, No. 4869) of Paul J. P. Loscocco (by vote of the town) that the town of Hopkinton be authorized to establish an elected board of public works for said town;

Wellesley,  
E. Garpestad  
and K. Walsh.

By Ms. Peisch of Wellesley, petition (accompanied by bill, House, No. 4870) of Alice Hanlon Peisch and others (by vote of the town) for legislation to authorize the town of Wellesley to convey a certain parcel of land to Eric Garpestad and Kathleen E. Walsh in exchange for other property to be used for park purposes;

Wellesley,  
land  
conveyance.

By the same member, petition (accompanied by bill, House, No. 4871) of Alice Hanlon Peisch and others (by vote of the town) for legislation to authorize the town of Wellesley to exchange certain property with James and Pamela Broderick; and

Norwood,  
land.

By Mr. Rogers of Norwood, petition (accompanied by bill, House, No. 5215) of John H. Rogers (by vote of the town) relative to authorizing the town of Norwood to convey certain park land to the Karsten Company for residential housing purposes;

Severally to the committee on Municipalities and Regional Government.

Wellesley,  
group  
insurance.

By Ms. Peisch of Wellesley, petition (accompanied by bill, House, No. 4872) of Alice Hanlon Peisch and others (by vote of the town) that the town of Wellesley be authorized to place on the ballot a certain question relative to the raising of local taxes for the purpose of funding the group insurance liability fund of said town. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Courts,  
tort actions.

By Mr. Atsalis of Barnstable, petition (subject to Joint Rule 12) of Demetrius J. Atsalis relative to the awarding of certain interest to plaintiffs by the courts in judgments on claims for pecuniary or consequential damages in tort actions.

New Bedford,  
Patisteads  
Overpass.

By Mr. Bradley of Hingham (by request), petition (subject to Joint Rule 12) of Norman P. Paley for legislation to prohibit marriages between certain family males and females in the Commonwealth.

Marlborough,  
easement.

By Mr. Koczera of New Bedford, petition (subject to Joint Rule 12) of Robert M. Koczera and Mark C. Montigny for legislation to designate the overpass on Route 195 over Route 140 in the city of New Bedford as the George Evangelos Patisteads Memorial Overpass.

Charlestown  
Navy Yard.

By Mr. LeDuc of Marlborough, petition (subject to Joint Rule 12) of Stephen P. LeDuc and Pamela P. Resor that the Department of Conservation and Recreation be directed to include "residential use" in the granting of a certain easement in the city of Marlborough.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to the Charlestown Navy Yard.

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

*Papers from the Senate.*

The engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended) came from the Senate with amendments in section 2 (as printed), in lines 167 and 168, 182 and 183, 197 and 198, 206 and 207, 214 and 215, 222 and 223, 230 and 231, 239 and 240, 249 and 250, 258 and 259, 267 and 268, 276 and 277, and 285 and 286, by striking out the words "may revoke such designation at his pleasure" (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof, in each instance, the words "with the approval of the chief justice remove a deputy assistant register"; and adding at the end thereof the following section:

Judges and  
registers of  
probate.

"SECTION 6. The procedures for removing a deputy assistant register in sections 29 to 29L, inclusive, of chapter 217 of the General Laws, inserted by section 3, shall apply to person holding that designation on the effective date of this act."

Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the amendments were considered forthwith; and they were adopted, in concurrence.

The House Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5210) came from the Senate passed to be engrossed, in concurrence, with amendments inserting after section 2 the following two sections:

Supplemental  
appropriations.

"SECTION 2½. Section 1A of chapter 15D of the General Laws, inserted by chapter \_\_\_ of the acts of 2006, is hereby amended by striking out the definition of 'Placement agency' and inserting in place thereof the following definition:—

'Placement agency', a department, agency or institution of the commonwealth, or any political subdivision thereof, or a person who provides custodial care and social services to children and who receives, by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility, or for adoption.

SECTION 2¾. Subdivision (b) of section 19L of chapter 90 of the General Laws, inserted by chapter 120 of the acts of 2006, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Municipal police officers or municipal police departments shall not conduct terminal audits."; and by adding at the end thereof the following 2 sections:—

"SECTION 16. In connection with the construction of a hospital or hospital related buildings only and, notwithstanding any general or special law or rule or regulation to the contrary, no height limit shall be imposed pursuant to the General Laws upon Parcel 6 in the Charlestown Navy Yard except for that promulgated under chapter 91 of the General Laws governing the height of new or expanded buildings for non-water dependent use as a function of separation from the Little Mystic and Main Channel, which shall be measured only

Supplemental  
appropriations.

from the project shoreline bordering said channels at the north by northeasterly end of said Parcel 6, provided however that the base of any building or buildings on said Parcel 6 shall be setback from 16th Street in accordance with the requirements of the Design Guidelines established in the Memorandum of Agreement dated June 1978 by and among the General Services Administration, the Advisory Counsel on Historic Preservation, the Massachusetts State Historic Preservation Officer and the Boston Redevelopment Authority, as that Memorandum of Agreement and Design Guidelines has, or may be amended from time to time; provided further, that any portion of those buildings above the first 2 stories shall be further set back a minimum of and additional 25 feet; and provided further, that the secretary of environmental affairs has determined that the project, of which such construction is a part, adequately and properly complies with sections 61 to 62H, inclusive, of chapter 30 of the General Laws, and the Boston Redevelopment Authority has issued an adequacy determination for the project of which such construction is a part pursuant to article 80 of the Boston zoning code.

SECTION 17. Notwithstanding any general or special law to the contrary, the withdrawal of water from Spot Pond reservoir by the town of Winchester under the Spot Pond Elevation Management Agreement between the town of Winchester and the Massachusetts Water Resources Authority dated October 27, 2002 shall be considered a water sharing agreement for the purposes of chapter 21G of the General Laws and as defined in 310 CMR 36.00. So long as the agreement remains in effect and the town of Winchester withdraws water from Spot Pond in compliance with this agreement, the withdrawal of water from Spot Pond shall not require registration or a permit under said chapter 21G.”

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

MWRRA,  
Quincy  
land.

The Senate Bill relative to the sale of land in Quincy by the Massachusetts Water Resource Authority (Senate, No. 2190, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment striking out section 1 and NON-concurred with the House in its amendment adding at the end thereof the following section:

“SECTION 3. Chapter 62 of the acts of 2005 is hereby amended by striking out section 2 and inserting in place thereof the following 2 sections:—

Section 3. Notwithstanding any general or special law to the contrary, the provision of water services by the Massachusetts Water Resources Authority to the town of Reading shall commence as soon as practicable after the effective date of this act.

Section 2. Section 71 of said chapter 372 shall not apply to the provision of water services to the town of Reading.” (as changed by the Senate committee on Bills in the Third Reading).

On motion of Mr. Jones of North Reading, the House then receded from its amendment adding a section 3.

A Bill protecting disabled persons from financial exploitation (Senate, No. 394, amended in section 2, at the end thereof, by striking out the words “or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section 2 of chapter 93A of the General Laws”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

Disabled,  
financial  
exploitation.

A Bill relative to oceans (Senate, No. 2653) (on Senate bill No. 2308); passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Oceans.

## Bills

Establishing a grant program for parent advisory councils (Senate, No. 291) (on a petition);

Parent  
councils.

Providing for expanded access to vocational education (Senate, No. 320) (on a petition);

Vocational  
education.

Requiring notice to the Departments of Education and of Early Education and Care of school setting child abuse reports (Senate, No. 365, changed and amended) (Changed in section 2, in line 3, by inserting after the word “following:—” the words “the department of early education and care”; and amended in section 3, in line 3, by inserting after the word “licensed,” the word “approved”) (on a petition);

School child  
abuse reports.

Requiring public sale of certain unneeded state materials and supplies (Senate, No. 1736, amended in line 4, inserting after the word “entities” the words:— “and having been reasonably determined to have a likely residual value”) (on a petition);

Obsolete  
materials,  
disposal.

Further regulating certain farm commodities as agriculture (Senate, No. 2375) (on Senate, No. 485); and

Farm  
commodities.

Allowing increased retirement benefits for John G. Flores (Senate, No. 2426) (on a petition);

John G.  
Flores.

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 statewide head injury program (Senate, No. 1297) (on a petition);

Head injury  
program.

Relative to entry on premises to examine gas and electric meters (Senate, No. 1807) (on a petition);

Meter reading,  
entry.

Further regulating parking for handicapped persons (Senate, No. 2647) (on Senate bill No. 1172);

Handicapped  
parking.

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.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Plymouth County Correctional Facility, in the town of Plymouth, was spread upon the records of the House; and returned to the Senate.

Plymouth  
County Jail,  
inspection.

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

Ayer,  
land  
conveyance.

Petition (accompanied by bill, Senate, No. 2658) of Pamela P. Resor and Robert S. Hargraves for legislation relative to the transfer of a parcel of land used for conservation/recreation purposes to the town of Ayer for the enhancement of public access to the Nashua River Rail Trail. To the committee on Bonding, Capital Expenditures and State Assets.

Carol Dingle,  
creditable  
service.

Petition (accompanied by bill, Senate, No. 2656) of Jarrett T. Barrios for legislation relative to retirement credit for Carol Dingle. To the committee on Public Service.

Movie  
picture,  
distribution.

Petition (accompanied by bill, Senate, No. 2657) of Robert A. Antonioni, Scott P. Brown, Robert L. Hedlund, John W. Scibak, Carrie and Kevin Broderick and other members of the General Court for legislation relative to the distribution of motion pictures in Massachusetts. To the committee on Tourism, Arts and Cultural Development.

#### *Reports of Committees.*

Special  
education,  
funding.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Paul C. Casey for legislation to increase certain funding for special education. Under suspension of the rules, on motion of Mr. Casey of Winchester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education. Sent to the Senate for concurrence.

Commonwealth  
revenue,  
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. 4645) of Rachel Kaprielian and others relative to the taxation of research development corporations in the Commonwealth,— and recommending that the same be recommitted to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted.

Yarmouth,  
room  
occupancy  
tax.

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 local taxes in the towns of Acton and Yarmouth and parental involvement and responsibility relative to health insurance (House, No. 5085), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 4945) of Demetrius J. Atsalis and others (by vote of the town) that the town of Yarmouth be authorized to use a portion of the room occupancy tax for the establishment of a tourism revenue preservation fund — and recommending that the same be recommitted to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, No. 5073, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of a certain House document changing the title of the Department of Mental Retardation (House, No. 5211). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mental  
retardation,  
study.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the University of Massachusetts to convey a certain parcel of land in the city of Boston to the United States of America acting by and through the National Archives and Records Administration (Senate, No. 2597, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

UMass  
Boston,  
land.

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

Under suspension of the rules, on motion of Mr. Smizik of Brookline, 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. Petrolati of Ludlow, 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.

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve providing for an investigation and plan by a special commission relative to ending homelessness in the Commonwealth (House, No. 4265) ought to pass with an amendment substituting therefore a resolve with the same title (House, No. 5206). Referred, under Rule 33, to the committee on Ways and Means.

Homelessness.

Mr. DeLeo of Winthrop, for said committee, then reported recommending that the resolve ought to pass with a further amendment substituting said House, No. 5206, amended in section 4 by striking out the first sentence, as follows: "The executive office of administration and finance shall provide staff for the commission.". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Mr. Donato of Medford, for said committee, then reported recommending that the resolve be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the resolve was read a second time forthwith.

Pending the question on adoption of the amendment recommended by the committee on Rules (substituting House, No. 5206), the further amendment recommended by the committee on Ways and Means was adopted.

Homelessness. The amendment recommended by the committee on Rules then was adopted, as amended; and the substituted resolve (House, No. 5206, amended) was ordered to a third reading.

Pittsfield land. By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the conservation commission of the city of Pittsfield to convey a certain parcel of conservation land for public purposes (Senate, No. 2576) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, 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. Speranzo of Pittsfield, 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.

Cheryl Ferrara, sick leave bank. By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Cheryl Ferrara, an employee of the Department of Mental Retardation (Senate, No. 2550, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Insurance fees. By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the payment of referral fees to unlicensed employees of insurance producers (Senate, No. 2060) be scheduled for consideration by the House.

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

Pittsfield, supplemental fund. By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill reducing the supplemental reserve fund requirement for the city of Pittsfield (Senate, No. 2149) be scheduled for consideration by the House.

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

Westwood, innkeeper's licenses. By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Westwood to grant innkeepers' licenses (House, No. 5014) be scheduled for consideration by the House.

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

A report of the committee on Telecommunications, Utilities and Energy, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4307) of John J. Binienda and others relative to the sale of pre-paid cellular phones, was considered forthwith, under suspension of the rules, on motion of Mr. Binienda of Worcester.

Pre-paid cellular phones.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill further regulating the sale of pre-paid cellular phones (House, No. 4307), 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 Safety and Homeland Security, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4894) of Marie J. Parente and others relative to the use of proceeds from certain fines for training and education of fire prevention personnel and the payment of stipends to hearing officers in cities and towns, was considered forthwith, under suspension of the rules, on motion of Mrs. Parente of Milford.

Fire prevention personnel.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill relative to fire safety in the Commonwealth (House, No. 4894), which was read.

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

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Bill relative to the retirement allowance for certain teachers (Senate, No. 2302, amended); and

Teachers, retirement.

Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Barnstable (Senate, No. 2420); and

Barnstable, land.

The Bill authorizing the Department of Conservation and Recreation and the Department of Fish and Game to acquire conservation restrictions in and to the lands of the town of Egremont (printed in House, No. 4345);

Egremont, conservation restrictions.

Bill relative to insurance and lawful travel by applicants for life and disability insurance and insured individuals (House, No. 4962); and

Insured, travel.

Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to grant easements to Algonquin Gas Transmission, LLC and Colonial Gas Company d/b/a Keyspan Energy Delivery New England (House, No. 5173);

Algonquin Gas Transmission, LLC.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill establishing the Massachusetts military enhanced relief indi-

Military relief tax.

Military  
relief tax.

vidual tax (MERIT) plan (House, No. 4660),— and recommending that the same be referred to the committee on Veterans and Federal Affairs. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Subsequently, the Senate having concurred, Mr. Verga of Gloucester, for said committee, reported recommending that the bill ought to pass with an amendment by adding at the end thereof the following section:

“SECTION 20. This act shall be known as the ‘Edward G. Connolly Massachusetts Military Enhanced Relief Individual Tax (MERIT) Plan’.”

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

Long term  
care.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill regarding choice of long-term care settings (Senate, No. 2273, amended) ought to pass with an amendment substituting therefor a Bill regarding choice of long term care setting (House, No. 5203). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending.

Billerica,  
civil service  
exemptions.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill exempting certain clerical positions in the town of Billerica from the provisions of the civil service law (House, No. 4695) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

#### *Emergency Measure.*

UMass  
Boston,  
land.

The engrossed Bill authorizing the University of Massachusetts to convey a certain parcel of land in the city of Boston to the United States of America acting by and through the National Archives and Records Administration (see Senate, No. 2597, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

#### *Engrossed Bills.*

Bill  
enacted.

The engrossed Bill providing for a partial release of certain land in the town of Hatfield from the operation of an agricultural preser-

vation restriction (see House, No. 4472) (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.

#### *Engrossed bills*

Establishing the Asian American Commission (see Senate, No. 2201, amended) (which originated in the Senate);

Relative to judges and registers of probate (see House, No. 4251, amended); and

Regulating the appointment of apprentice linemen (see House, No. 4669);

(Which severally originated in the House);

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

#### *Recess.*

At twenty-eight minutes after eleven o'clock A.M., on motion of Ms. Balser of Newton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after twelve o'clock noon; and at twenty-eight minutes after twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

#### *Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the city of Revere to use certain dedicated park land for school purposes (see House, No. 4546) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 149 members voted in the affirmative and 0 in the negative.

#### **[See Yea and Nay No. 617 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.*

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5101), returning with his disapproval of certain items and sections and reductions in certain items contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), reported, in part, in each instance, that item 7004-0099 (contained in section 2) and sections 24, 37, 39, 87 and 103 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Economic  
Stimulus  
Bill,  
reductions  
and  
disapprovals.

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

Under suspension of the rules, in each instance, on motion of Mr. Bosley of North Adams, said item 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 7004-0099 (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 127 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 618 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.

Section 24, which had been vetoed by the Governor, then was considered.

On the question on passing said section, 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 2 in the negative.

**[See Yea and Nay No. 619 in Supplement.]**

Therefore section 24 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 37, which had been vetoed by the Governor, then was considered.

On the question on passing said section, 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. 620 in Supplement.]**

Therefore section 37 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 39, which had been vetoed by the Governor, then was considered.

On the question on passing said section, 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. 621 in Supplement.]**

Therefore section 39 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.

Housing main  
administration  
item  
7004-0099  
stands,  
yea and nay  
No. 618.

Life Sciences  
Center  
section 24  
stands,  
yea and nay  
No. 619.

Technology  
grant  
funding  
section 37  
stands,  
yea and nay  
No. 620.

Technology  
Park  
Corporation  
section 39  
stands,  
yea and nay  
No. 621.

Section 87, which had been vetoed by the Governor, then was considered.

On the question on passing said section, 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 129 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 622 in Supplement.]**

Therefore section 87 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 103, which had been vetoed by the Governor, then was considered.

On the question on passing said section, 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 3 in the negative.

**[See Yea and Nay No. 623 in Supplement.]**

Therefore section 103 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.*

The engrossed Bill amending the toxics use reduction act (see Senate, No. 2250, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 624 in Supplement.]**

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

#### *Reports of Committees.*

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill making appropriations for the fiscal year 2006 to provide funding to promote the redevelopment of Fort Devens (printed in House, No. 5062). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Housing and  
Community  
Development  
section 87  
stands,  
yea and nay  
No. 622.

Life Sciences  
Investment  
Fund  
section 103  
stands  
yea and nay  
No. 623.

Toxic use  
reduction.

Bill enacted,  
yea and nay  
No. 624.

Fort Devens,  
redevelopment.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 625.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Eldridge of Acton; and on the roll call 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 625 in Supplement.]**

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

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) 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 matter be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. DeLeo of Winthrop, 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 0640-0300 (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 \$8,650,000 to \$7,459,051.

Quorum.

Pending the question on passing said item, notwithstanding the action of the Governor, Mr. Jones of North Reading 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,  
yea and nay  
No. 626.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 154 members were recorded as being in attendance.

**[See Yea and Nay No. 626 in Supplement.]**

Therefore a quorum was present.

Massachusetts  
Cultural  
Council  
item  
0644-0300  
stands,  
yea and nay  
No. 627.

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

**[See Yea and Nay No. 627 in Supplement.]**

Therefore item 0640-0300 (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 0640-0351 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had reduced said item from \$2,000,000 to \$1,500,000.

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 136 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 628 in Supplement.]**

Therefore item 0640-0351 (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.

John and  
Abigail Adams  
Arts Fund  
item  
0640-0351  
stands,  
yea and nay  
No. 628.

Item 2000-0100 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording from 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 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 629 in Supplement.]**

Therefore item 2000-0100 (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.

Secretary of  
Environmental  
Affairs  
item  
2000-0100  
stands,  
yea and nay  
No. 629.

Item 2000-9900 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had reduced said item from \$686,415 to \$286,415.

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. 630 in Supplement.]**

Therefore item 2000-9900 (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.

Geographic and  
Environment  
Office  
item  
2000-9900  
stands,  
yea and nay  
No. 630.

Item 2200-0100 (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 \$34,030,671 to \$32,530,671.

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 136 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 631 in Supplement.]**

Therefore item 2200-0100 (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.

Environmental  
compliance  
item  
2200-0100  
stands,  
yea and nay  
No. 631.

Item 2300-0100 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording from 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 123 members voted in the affirmative and 32 in the negative.

**[See Yea and Nay No. 632 in Supplement.]**

Therefore item 2300-0100 (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 2511-0100 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording from 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 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 633 in Supplement.]**

Therefore item 2511-0100 (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 2800-0100 (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 \$5,837,218 to \$5,737,218.

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. 634 in Supplement.]**

Therefore item 2800-0100 (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 2800-0101 (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 \$2,692,275 to \$1,942,275.

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 136 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 635 in Supplement.]**

Therefore item 2800-0101 (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 2800-0500 (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 \$1,735,000 to \$1,450,000.

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 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 636 in Supplement.]**

Therefore item 2800-0500 (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.

Item 2810-0100 (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 \$22,312,890 to \$22,177,890.

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. 637 in Supplement.]**

Therefore item 2810-0100 (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 2820-0100 (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 \$26,719,207 to \$25,574,207.

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. 638 in Supplement.]**

Therefore item 2820-0100 (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 3000-2050 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had reduced said item from \$1,382,307 to \$917,415.

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 2 in the negative.

**[See Yea and Nay No. 639 in Supplement.]**

Therefore item 3000-2050 (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.

Fisheries and  
Wildlife  
item  
2300-0100  
stands,  
yea and nay  
No. 632.

Department of  
Agriculture  
item  
2511-0100  
stands,  
yea and nay  
No. 633.

Conservation  
and Recreation  
item  
2800-0100  
stands,  
yea and nay  
No. 634.

Watershed  
Management  
item  
2800-0101  
stands,  
yea and nay  
No. 635.

Beach funding  
item  
2800-0500  
stands,  
yea and nay  
No. 636.

State Parks  
and Recreation  
item  
2810-0100  
stands,  
yea and nay  
No. 637.

Urban Parks  
and Recreation  
item  
2820-0100  
stands,  
yea and nay  
No. 638.

Children s  
Trust Fund  
item  
3000-2050  
stands,  
yea and nay  
No. 639.

Item 7010-0012 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had reduced said item from \$19,615,313 to \$18,615,313.

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. 640 in Supplement.]**

Therefore item 7010-0012 (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 7010-0005 (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 \$11,142,905 to \$10,992,905.

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 (Mrs. Harkins of Needham being in the Chair) 126 members voted in the affirmative and 28 in the negative.

**[See Yea and Nay No. 641 in Supplement.]**

Therefore item 7010-0005 (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 7027-0016 (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 \$2,329,566 to \$2,129,566.

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. 642 in Supplement.]**

Therefore item 7027-0016 (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. Rodrigues of Westport, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2571) of the House Bill relative to streamlining and expediting the permitting process in the Commonwealth (House, No. 4968), reports recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein with further amendments striking out all after the enacting

clause and inserting in place thereof the text contained in House document numbered 5207; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith expedite the permitting process in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and that the Senate concur in the further amendments.

Under suspension of the rules, on motion of Mr. Rodrigues, the report (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

After debate on the question on acceptance of the report, 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 129 members voted in the affirmative and 25 in the negative.

**[See Yea and Nay No. 643 in Supplement.]**

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

*Emergency Measure.*

The engrossed Bill relative to the sale of land in the city of Quincy by the Massachusetts Water Resource Authority (see Senate, No. 2190, 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 31 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 Senate) 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 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 644 in Supplement.]**

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

*Engrossed Bill.*

The engrossed Bill making appropriations for the fiscal year 2006 to provide funding to promote the redevelopment of Fort Devens (see House, No. 5062) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Petrolati of

METCO racial imbalance programs item 7010-0012 stands, yea and nay No. 640.

Department of Education item 7010-0005 stands, yea and nay No. 641.

School to Work matching grants item 7027-0016 stands, yea and nay No. 642.

Permitting process, streamline.

Conference committee report accepted, yea and nay No. 643.

MWRA, Quincy land.

Bill enacted (land taking), yea and nay No. 644.

Fort Devens, redevelopment.

Bill enacted, yea and nay No. 645.

Bill enacted,  
yea and nay  
No. 645.

Ludlow; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 645 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) 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 matter be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. DeLeo of Winthrop, 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 7030-1003 (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 \$3,672,990 to \$3,622,990.

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 136 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 646 in Supplement.]**

Therefore item 7030-1003 (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 7030-1005 (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 \$2,900,000 to \$2,700,000.

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 152 members voted in the affirmative and 3 in the negative.

**[See Yea and Nay No. 647 in Supplement.]**

Therefore item 7030-1005 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of

Early literacy  
programs  
item  
7030-1003  
stands,  
yea and nay  
No. 646.

Early  
Intervention  
Tutorial  
Literacy  
item  
7030-1005  
stands,  
yea and nay  
No. 647.

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

Item 7035-0006 (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 \$55,500,000 to \$50,000,000.

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

**[See Yea and Nay No. 648 in Supplement.]**

Therefore item 7035-0006 (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 7061-9619 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had reduced said item from \$300,001 to \$1.

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. 649 in Supplement.]**

Therefore item 7061-9619 (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.

*Engrossed Bill — Land Taking.*

Mr. Petrolati of Ludlow being in the Chair,—

The engrossed Bill authorizing the conservation commission of the city of Pittsfield to convey a certain parcel of conservation land for public purposes (see Senate, No. 2576) (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 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 650 in Supplement.]**

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

*Recess.*

At the hour of seven o'clock P.M. (the Speaker having taken the Chair), on motion of Mr. Petrolati of Ludlow, the House recessed until the hour of eight o'clock; and at that time the House was called to order with Mr. Golden of Lowell in the Chair.

Regional  
school  
transportation  
item  
7035-0006  
stands,  
yea and nay  
No. 648.

Franklin  
Institute of  
Boston  
item  
7061-9619  
stands,  
yea and nay  
No. 649.

Pittsfield,  
land.

Bill enacted  
(land taking),  
yea and nay  
No. 650.

Recess.

*Paper from the Senate.*

Judges and registers of probate.

The engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended) came from the Senate with an amendment in section 2 (as printed), in lines 300 and 301, by striking out the figures "75.47" (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the figures "81.57".

Under suspension of the rules, on motion of Mr. O'Flaherty of Chelsea, the amendment was considered forthwith; and it was adopted, in concurrence.

*Reports of Committees.*

Renewable energy.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the renewable energy portfolio standard (House, No. 5090) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Dempsey of Haverhill, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, the same member moved that it be amended by adding at the end thereof the following section:

"SECTION 2. This act shall take effect on July 31, 2007."

The amendment was adopted.

Mr. Correia of Fall River then moved that the bill be amended by adding at the end thereof the following two sections:

"SECTION 3. Chapter 102 of the General Laws is hereby amended by adding the following section:—

Section 29. (a) As used in this section the following terms shall have the following meanings:

'Horizontal clearance,' the distance between the abutments of a bridge nearest to and on either side of the navigable channel used by vessels transiting through the bridge.

'Vertical clearance,' the distance between mean high water and the lowest point of a bridge over the navigable channel used by vessels transiting through the bridge.

(b) No person shall direct or operate a vessel transporting liquefied natural gas through a bridge having a horizontal clearance of 250 feet or less unless the beam of such vessel is equal to or less than two-thirds of the horizontal clearance of such bridge.

(c) No person shall direct or operate a vessel transporting liquefied natural gas under a bridge having a vertical clearance of 185 feet or less.

(d) Any person who operates or directs a vessel transporting liquefied natural gas in violation of the safe clearance requirements established established under this section shall be subject to a civil penalty not to exceed \$1,000,000.00 for each violation. Said penalty may be recovered on behalf of the commonwealth in an action brought by the attorney general in the superior court.

The superior court shall have jurisdiction to enjoin any threatened or repeated violations of the safe clearance requirements established under this section by any person. An action for such relief may be brought by the attorney general, by the district attorney for the dis-

trict in which the bridge is located or by the harbor master of the city or town where the bridge is located.

(f) This section shall be applicable to transportation of liquefied natural gas to facilities constructed or expanded after July 1, 2006.

SECTION 4. Chapter 164 of the General Laws is hereby amended by inserting after section 69S the following section:—

Section 69T. The use, storage, transmission or transportation of liquefied natural gas within the commonwealth shall raise the presumption that the liquefied natural gas is intended for use or consumption within the commonwealth or for transmission or transportation from one place to another within the commonwealth and the General Laws of the commonwealth applicable to public utilities and carriers and the rules and regulations promulgated thereunder shall apply thereto provided, however that in the safety and security zone for LNG tankers in transit upon the navigable waterways of the commonwealth established by the United States Coast Guard and authorized by the United States Code Title 33 Chapter 25 section 1225 there shall be on:

(a) persons

(b) piers, wharves, docks, bulkheads, or similar structures within or contiguous to navigable structures

(c) waterfront facilities on land located within the commonwealth

(d) flammable materials

(e) hunting grounds or areas from which an incendiary device could be launched or

(f) welding, torch cutting or other hotwork within such prescribed safety and security zone."

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

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed. The bill (House, No. 5090, amended) then was sent to the Senate for concurrence.

By Mr. Pedone of Worcester, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Dedham to grant 8 additional licenses for the sale of all alcoholic beverages and 1 additional license for the sale of wines and malt beverages to be drunk on the premises (printed as Senate, No. 2617) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Dedham, liquor licenses.

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

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

Subsequently, under suspension of the rules, on further motion of the same member, the bill was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill autho-

Dedham,  
liquor  
licenses.

rizing the town of Dedham to grant additional alcoholic beverages licenses (House, No. 5208), which was read.

The amendment was adopted.

After remarks the substituted bill was passed to be engrossed.

Subsequently Mr. Pedone of Worcester moved that this vote be reconsidered; and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed, the same member moved, there being no objection, that it be amended by inserting after section 6 the following section:

“SECTION 6A. Licenses issued pursuant to this act shall be non-transferable to any other location, person, corporation or organizations.”.

The amendment was adopted; and the bill (House, No. 5208, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Supplemental  
appropriations.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4796, reported, in part, a Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5210) [Total Appropriations: \$218,467,024.] Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Under suspension of the rules, on motion of Mr. Walsh of Lynn, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed.

Mr. Miceli of Wilmington then moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 5210) then was sent to the Senate for concurrence.

#### *Engrossed Bills.*

Engrossed bills

Relative to authorizing written majority authorization as evidence of collective bargaining results (see House, No. 429);

Relative to hazardous materials mitigation (see House, No. 1315, amended);

Relative to the cancellation or modification of an insurance producer's contract (see House, No. 1545);

Relative to the disposal of dredged material in Buzzards Bay (see House, No. 4884); and

Designating a certain bridge in the city of Boston and the town of Dedham as the Honorable Robert Cawley Memorial Bridge (see House, No. 5067);

(Which severally originated in the House);

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

Bills  
enacted.

#### *Suspension of Rule 1A.*

The Chair (Mr. Golden of Lowell) 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.

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 122 members voted in the affirmative and 26 in the negative.

**[See Ye and Nay No. 651 in Supplement.]**

Therefore Rule 1A was suspended.

Suspension of  
Rule 1A.

Rule 1A  
suspended,  
yea and nay  
No. 651.

#### *Orders of the Day.*

The House Bill relative to sexual assault nurse examiners and forensic evidence in cases of sexual assault and rape (House, No. 878) (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.

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 Mr. Koutoujian of Waltham; and on the roll call 149 members voted in the affirmative and 0 in the negative.

**[See Ye and Nay No. 652 in Supplement.]**

Therefore the bill was passed to be engrossed. The bill (House, No. 878) then was sent to the Senate for concurrence.

Sexual assault  
nurse  
examiners.

Bill passed to  
be engrossed,  
yea and nay  
No. 652.

#### *Recess.*

At seventeen minutes before ten o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of ten o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

Recess.

#### *Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the city of Boston and the Commonwealth to grant sewer and drainage easements over certain parcels of land in the city of Boston (see Senate, No. 2627) (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 148 members voted in the affirmative and 0 in the negative.

**[See Ye and Nay No. 653 in Supplement.]**

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

Boston,  
sewer and  
drainage  
easements.

Bill enacted  
(land taking),  
yea and nay  
No. 653.

#### *Report of a Committee.*

Mr. DeLeo of Winthrop, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate

Welfare  
reform.

Welfare  
reform.

amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2217) of the House Bill relative to welfare reform (House, No. 4378), reported a Bill relative to welfare reform (House, No. 5212).

Mr. DeLeo then moved that the rules be suspended in order that the report of the committee of conference might be considered forthwith.

Rules  
suspended,  
yea and nay  
No. 654.

After debate on the question on suspension of the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 127 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 654 in Supplement.]**

Therefore the rules were suspended; and the report (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was considered.

Conference  
committee  
report  
accepted,  
see yea and  
nay No. 655.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Cabral of New Bedford; and on the roll call 127 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 655 in Supplement.]**

[Ms. Stanley of West Newbury answered "Present" in response to her name.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

*Emergency Measure.*

Supplemental  
appropriations.

The engrossed Bill making appropriations for fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5210, 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.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Bill enacted,  
yea and nay  
No. 656.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Rogers of Norwood; and on the roll call 149 members voted in the affirmative and 2 in the negative.

**[See Yea and Nay No. 656 in Supplement.]**

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

*Motion to Adjourn.*

At twenty-eight minutes before twelve o'clock midnight (Mrs. Harkins of Needham being in the Chair), Mr. Peterson of Grafton moved that the House adjourn.

On the question on adjournment, 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 129 in the negative.

Motion to  
adjourn  
negated,  
yea and nay  
No. 657.

**[See Yea and Nay No. 657 in Supplement.]**

Therefore the motion to adjourn was negated.

*Emergency Measure.*

The engrossed Bill relative to welfare reform (see House, No. 5212), 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.

Welfare  
reform.

Mr. O'Flaherty of Chelsea then moved the previous question on the question on adoption of the emergency preamble; and on the motion for the previous question the sense of the House then was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 128 members voted in the affirmative and 21 in the negative.

Previous  
question  
ordered,  
yea and nay  
No. 658.

**[See Yea and Nay No. 658 in Supplement.]**

[Ms. Atkins of Concord answered "Present" in response to her name.]

Therefore the motion to order the previous question on adoption of the emergency preamble prevailed.

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 70 to 20.

Emergency  
preamble  
adopted,  
yea and nay  
No. 659.

The Speaker having taken the Chair,—

The sense of the House then was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 126 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 659 in Supplement.]**

[Ms. Stanley of West Newbury answered "Present" in response to her name.]

Therefore the emergency preamble was adopted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Mr. Pedone of Worcester then moved the previous question on the question on passing the bill to be enacted; and on the motion for the previous question the sense of the House then 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.

Previous  
question  
ordered,  
yea and nay  
No. 660.

**[See Yea and Nay No. 660 in Supplement.]**

[Ms. Atkins of Concord answered "Present" in response to her name.]

Therefore the motion to order previous question on the question on passing the bill to be enacted prevailed.

The bill then was passed to be enacted.

Mr. Peterson of Grafton then moved that this vote be reconsidered.

Motion to reconsider negatived, yea and nay No. 661.

On the question on reconsideration, 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 126 in the negative.

**[See Yea and Nay No. 661 in Supplement.]**

[Ms. Atkins of Concord answered "Present" in response to her name.]

Therefore the motion to reconsider was negatived; and the bill (see House, No. 5212) was signed by the Speaker and sent to the Senate.

*Orders of the Day.*

Senate bills

Relative to the appointment of a non-civil service chief of police in the city of Somerville (Senate, No. 2519) (its title having been changed by the committee on Bills in the Third Reading).

Authorizing the appointment of special police officers in the city of Somerville (Senate, No. 2520); and

Authorizing the city of Boston and the Commonwealth to grant sewer and drainage easements over certain parcels of land in the city of Boston (Senate, No. 2627) (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

Establishing a sick leave bank for Laurence Lacombe, an employee of the Trial Court (House, No. 4140) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the town of Shrewsbury to exchange certain land (House, No. 4739);

Establishing a sick leave bank for Frances M. Ravish, an employee of the Trial Court of the Commonwealth (House, No. 5071); and

Authorizing the town of Wayland to transfer care and control of certain park land (House, No. 5079);

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

The House Bill relative to the districts of the city of Chelsea (House, No. 2120) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a Bill establishing voting precincts in the city of Chelsea (House, No. 5201), which was read.

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

The House Bill relative to the conduct of raffles and bazaars by certain organizations (House, No. 5037) was read a second time; and it was ordered to a third reading.

Third reading bills.

ri

Third reading bill amended.

Second reading bill engrossed.

Under suspension of the rules, on motion of Mr. Jones of North Reading, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act relative to certain raffles and bazaars by certain organizations.". Sent to the Senate for concurrence.

Senate bills

Authorizing the commonwealth to acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 31, amended); and

Authorizing the town of Palmer to grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2551); and

House bills

Making social workers subject to the malpractice tribunal (House, No. 730);

To provide educational materials to veterans regarding Hepatitis C (House, No. 2665);

Relative to the NESWC enterprise fund balance in the town of Acton (House, No. 4944, changed); and

Establishing a sick leave bank for Karen Kilroy, an employee of the Massachusetts Department of Corrections (House, No. 5039);

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

Second reading bills.

The House Bill establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (House, No. 704), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Sharon Melvin-James, sick leave.

Pending the question on passing the bill to be engrossed, Mr. Swan of Springfield moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 704, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to certain retirement benefits for surviving spouses of the State Police (House, No. 4941, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

State Police.

Pending the question on passing the bill to be engrossed, Ms. Polito of Shrewsbury moved that it be amended in section 1 by inserting after the name "John Regan" the following name: ", Thomas T. Trainor".

The amendment was adopted; and the bill House, No. 4941, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Insurers  
Insolvency  
Fund.

The House Bill relative to the Massachusetts Insurers Insolvency Fund (House, No. 3054) was read a second time.

Pending the question on ordering the bill to a third reading, Messrs. Jones of North Reading and Mariano of Quincy and other members of the House moved that it be amended by substitution of a bill with the same title (House, No. 5216), which was read.

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

*Engrossed Bills.*

Engrossed bills

Bills  
enacted.

Relative to the appointment of a non-civil service chief of police in the city of Somerville (see Senate, No. 2519); and

Authorizing the appointment of special police officers in the city of Somerville (see Senate, No. 2520);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and (Mr. Flynn of Bridgewater having been in the Chair) they were signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

The engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and (Mr. Petrolati of Ludlow having been in the Chair) it was signed by the acting Speaker and sent to the Senate.

*Order.*

On motion of Mr. Petrolati of Ludlow,—

Next  
sitting.

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

Mr. Fagan of Taunton then moved that as a mark of respect to the memory of Mark Fitzsimmons, a member of the House from Weymouth in 1977 and 1978, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matter in the Orders of the Day, at two minutes before twelve o'clock midnight (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.