

# JOURNAL OF THE HOUSE.

Thursday, January 19, 2006.

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

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

Prayer.

Eternal God, we open our hearts and minds to You, Your guidance and Your gift of wisdom at the opening of today's legislative session. We believe that Your assistance enables us to select the most reasonable, objective and ethical legislative options which are before us. Grant us the patience to reason together as we try to comprehend and resolve the many complex and often emotional legislative and cultural issues of these changing times. As decision-makers, teach us to be guided by accurate and not fictional data and information in our search for truth. May we continue to respect the basic human and constitutional rights of all, even in this era of worldwide violence.

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

Pledge of allegiance.

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

### Statement Concerning Representative Bosley of North Adams.

A statement of Mr. Rushing of Boston concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement concerning Representative Bosley of North Adams.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, will not be present in the House Chamber for today's sitting due to a previously scheduled commitment in his district. Any roll calls that he may miss today will be due entirely to the reason stated.

### Statement Concerning Representative Fresolo of Worcester.

A statement of Mr. Rushing of Boston concerning Mr. Fresolo of Worcester was spread upon the records of the House, as follows:

Statement concerning Representative Fresolo of Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fresolo of Worcester, will not be present in the House Chamber for today's sitting due to his continuing recovery from a recent medical procedure. Any roll calls that he may miss today will be due entirely to the reason stated.

### Statement Concerning Representative Kennedy of Brockton.

A statement of Mr. Rushing of Boston concerning Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kennedy of Brockton, was not present in the House Chamber for today's sitting due to his continued hospitalization. Had he been present for the taking of yea and nay numbers 337 and 342, on ordering to a third reading and on passing to be engrossed, respectively, House, No. 229, relative to seat belts, he would have voted, in each instance, in the negative. Any roll calls that he missed today was due entirely to the reason stated.

Statement concerning Representative Kennedy of Brockton.

### Statement Concerning Representative Sullivan of Fall River.

A statement of Mr. Rushing of Boston concerning Mr. Sullivan of Fall River was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Sullivan of Fall River, will not be present in the House Chamber for today's sitting due to tending to his wife as she undergoes a surgical procedure. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement concerning Representative Sullivan of Fall River.

### Appointments to a Special Commission.

The Speaker announced that he had re-appointed (under section 66 of Chapter 3 of the General Laws) Mrs. Donna Finneran and Dr. Helen Jackson to the Special Commission on the Status of Women.

Status of Women.

### Resolutions.

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

Resolutions (filed by Messrs. Fennell of Lynn, Walsh of Lynn, Falzone of Saugus and Petersen of Marblehead) congratulating the St. Mary's football team on their Division 3A state championship; and

St. Mary's football team.

Resolutions (filed by Mr. Kennedy of Brockton) commemorating the re-naming of the Brockton District Court as the George N. Covett Court House;

George N. Covett.

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 Mr. Petrucci of Boston (Mr. Petrolati of Ludlow being in the Chair), the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### Communications.

Communications  
From the Bristol County Registry of Deeds, Northern District (under section KKK of Chapter 29 of the General Laws, as inserted by Section 4 of the Acts of 2003) submitting an initial plan for the expenditure from the County Registers Technological Fund for technological improvements at said registry (copies of said communication referred, as required under law, to the committee on Ways and Means and the committee on Post Audit and Oversight);

Technology improvements.

End of Life  
Care.

From the Massachusetts Commission on End of Life Care (under Section 480 of Chapter 159 of the Acts of 2000) submitting a copy of its report relative to the improvement of end of life care services; and

Teacher  
recruitment.

From the Public Employees Retirement Administration Commission (under the provisions of Chapter 114 of the Acts of 2000) submitting a cost analysis of the Teacher Recruitment, Retention and Retirement Act;

Severally placed on file.

*Annual and Special Reports.*

Cost-of-living  
adjustment,  
retirees.

The annual report of the Public Employee Retirement Administration Commission (under Sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2005 compared with such index for the year 2004 (House, No. 4635), was referred to the committee on Public Service. Sent to the Senate for concurrence.

*Annual reports*

Biologic  
Laboratories of  
U.Mass.

Of the Director of the Biological Laboratories of the University of Massachusetts (under the provisions of Section 43 of Chapter 75 of the General Laws) of the activities of said laboratories for the fiscal year 2005;

Joint Labor  
Management.

Of the Joint Labor-Management Committee for Municipal Police and Fire (under the provisions of Clause (a) of Subsection 3 of Section 1 of Chapter 589 of the Acts of 1987) relative to results of involving the resolution of a dispute over the provisions of collective bargaining agreements;

Legal  
Assistance  
Corporation.

Of the Massachusetts Legal Assistance Corporation (under the provisions of Section 10 of Chapter 221A of the General Laws) relative to the description and evaluation of each program and a summary of the expenditures for such programs for the fiscal year ending June 30, 2005;

Merrimack Valley  
Regional  
Transit  
Authority.

Of the Merrimack Valley Regional Transit Authority (under the provisions of Chapter 161B of the General Laws) for the fiscal year 2005;

Ethics  
Commission.

Of the State Ethics Commission (under the provisions of Section 2(1) of Chapter 268B of the General Laws) for the fiscal year 2005; and

Community  
Antenna  
Television.

Of the Division of Community Antenna Television within the Department of Telecommunications and Energy (under the provisions of paragraph (3) of section 2 of Chapter 166A of the General Laws) concerning appeals that came before said division for calendar year 2005;

Unemployment  
Insurance  
Trust Fund.

Monthly reports of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for the months of October and November, 2005; and

*Reports*

Transportation  
Finance  
Commission.

Of the Special Transportation Finance Commission (under the provisions of Section 13 of Chapter 196 of the Acts of 2004) relative to the transportation finance needs of the Commonwealth; and

Of the University Counsel of Northeastern University (under the provisions of Section 2 of Chapter 645 of the Acts of 1986) relative to a summer boating program and a scholarship program established by said university under the terms of a lease of a certain parcel of land in the city of Boston;

Severally were placed on file.

Northeastern  
University,  
boating  
program.

*Papers from the Senate.*

A message from His Excellency the Governor recommending legislation to authorize the direct shipment of wine and the resealing of wine bottles (Senate, No. 2335) was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Wine,  
direct  
shipments.

A Bill penalizing domestic abusers (Senate, No. 2326) (on Senate bill, No. 65, changed), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Domestic  
abusers,  
penalize.

A Bill creating a board of registrars in the town of Swampscott (Senate, No. 2270) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Swampscott,  
board of  
registrars.

*Reports*

Of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were spread upon the records of the House, as follows:

Correctional  
facilities,  
inspection  
reports.

Of the Massachusetts Alcohol and Substance Abuse Center, in the town of Bridgewater; and

Of the Massachusetts Treatment Center, in the town of Bridgewater;

Severally were spread upon the records of the House; and returned to the Senate.

*Reports of Committees.*

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill providing for the protection of public water supply (House, No. 4575),— and recommending that the same be committed to the committee on Environment, Natural Resources and Agriculture.

Public water  
supply,  
protection.

Under Rule 42, the report was considered forthwith.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mr. Donato, until one o'clock P.M.

Subsequently, the noon recess having terminated, the report was considered further; and it was accepted.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, asking to be discharged from further consideration of the Bill relative to discrimination in public education (House, No. 1452),— and recommending that the same be referred to the committee on

Education  
discrimination.

Education. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Employees,  
injuries.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4563) of John P. Fresolo relative to the privacy of public records concerning reports of injuries of employees of public agencies and authorities of the Commonwealth;

Governmental  
bodies,  
open  
meetings.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3575) of William C. Brown for legislation to require the presence of a quorum for the transaction of business by governmental bodies;

And recommending that the same severally be referred to the committee on State Administration and Regulatory Oversight; and

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, asking to be discharged from further consideration

Veterans,  
tax exemptions.

Of the petition (accompanied by bill, Senate, No. 1980) of Robert S. Creedon, Jr. and Michael W. Morrissey for legislation relative to tax exemptions for veterans;

Tax  
exemptions,  
disabled  
veterans.

Of the petition (accompanied by bill, Senate, No. 1987) of Robert L. Hedlund, Brian P. Lees, Richard R. Tisei, Bruce E. Tarr and other members of the General Court for legislation relative to tax exemptions for disabled veterans;

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Of the petition (accompanied by bill, Senate, No. 1988) of Evelyn Ferreira for legislation relative to tax exemptions for disabled veterans;

Tax  
exemptions,  
veterans  
surviving  
spouse.

Of the petition (accompanied by bill, Senate, No. 1997) of Richard T. Moore, Edward G. Connolly, Brian A. Joyce, John Binienda and other members of the General Court for legislation relative to real estate exemptions for surviving spouses of veterans killed in time of war and victims of terrorism;

Veteran  
organizations,  
tax exemption.

Of the petition (accompanied by bill, Senate, No. 2004) of Michael W. Morrissey for legislation to further the exemption from taxation of certain real estate and personal estate owned or held in trust for the benefit of certain incorporated war veteran organizations;

Veterans,  
tax  
abatements.

Of the petition (accompanied by bill, Senate, No. 2005) of Michael W. Morrissey, Bruce J. Ayers and Ronald Mariano for legislation to provide real estate tax abatement to veterans;

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Of the petition (accompanied by bill, Senate, No. 2008) of Pamela P. Resor, James B. Eldridge and Cory Atkins for legislation relative to reduction in local property tax and excise tax for certain disabled veterans of World War II and the Korean War;

Veterans  
exemptions.

Of the petition (accompanied by bill, Senate, No. 2013) of Steven A. Tolman for legislation relative to veterans exemptions; and

Disabled  
veteran  
spouse,  
tax exemption.

Of the petition (accompanied by bill, Senate, No. 2129) of Robert A. O'Leary for legislation relative to tax exemptions for spouses of disabled veterans;

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

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

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on House, No. 1102, a Bill relative to requiring school districts to convene child nutrition and physical activity advisory committees (House, No. 4636). Read; and referred under Joint Rule 1E, to the committee on Health Care Financing.

School  
districts,  
advisory  
committees.

By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on a petition, a Bill relative to the medical insurance of certain employees of the Boston Edison Company (House, No. 3779).

Boston  
Edison,  
employee  
insurance.

By the same member, for the same committee, on a petition, a Bill relative to workforce training (House, No. 3804).

Workforce  
training.

By the same member, for the same committee, on Senate, Nos. 1089, 1095, 1099 and 1109 and House, Nos. 1595, 1602, 1606, 3123, 3757 and 3800, a Bill relative to workers' compensation (House, No. 4637).

Workers  
compensation.

By the same member, for the same committee, on Senate, Nos. 1094 and 1121 and House, Nos. 3769, 3785, 3790 and 3802, a Bill relative to child labor (House, No. 4638).

Child  
labor.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill to authorize the acquisition of land, the development and construction of an underground railroad, civil rights and black heritage museum and cultural center in Springfield (House, No. 1682).

Springfield,  
Black  
Heritage  
Museum.

By the same member, for the same committee, on a petition, a Bill relative to regional tourism councils (House, No. 1685).

Regional  
tourism  
councils.

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

By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, that the recommitted Bill to protect the financial privacy of all employees of non-profit or charitable corporations (House, No. 2119) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Charitable  
corporations,  
employees.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill designating the South Boston Court House as the Chief Justice Joseph F. Feeney Courthouse (House, No. 3445).

Joseph F.  
Feeney  
Courthouse.

By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on House, Nos. 3805 and 3807, a Bill opposing unnecessary language restrictions in the workplace (House, No. 4640).

Workplace,  
language  
restrictions.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to mufflers (House, No. 2011).

Mufflers.

By the same member, for the same committee, on a petition, a Bill relative to handicap parking restrictions (House, No. 2142).

Handicapped  
parking.

By the same member, for the same committee, on a petition, a Bill relative to throwing objects at or otherwise interfering with the safe operation of a railroad car or locomotive and the safety of its personnel and riders (House, No. 2143).

Railroad  
car safety.

Corporal Gordon M. Craig Bridge.

By the same member, for the same committee, on a petition, a Bill designating Bridge Number EO1-002 in the town of East Bridgewater as the Cpl. Gordon M. Craig Bridge (House, No. 4476).

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

Emergency Measure.

Maureen Quinney, sick leave bank.

The engrossed Bill establishing a sick leave bank for Maureen Quinney, an employee of the Department of Revenue (see House, No. 4450), 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 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bill re-enacted.

The engrossed Bill relative to contracts for energy management services (see House, No. 4530, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill authorizing the application of Benjamin Jores for a civil service examination for police officer notwithstanding the minimum age requirement (see House, No. 4352) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Samuel Russell, sick leave bank.

The House Bill establishing a sick leave bank for Samuel Russell, an employee of the Trial Court (House, No. 4569) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Scibak of South Hadley, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second reading bills.

The Senate Bill authorizing part-time employment at Quincy College by city councilors of the city of Quincy (Senate, No. 2033); and House bills

To address the special education needs of children with autism spectrum disorder (House, No. 1123);

Relative to the mandatory reporting of child abuse (House, No. 3868);

Relative to the Bourne water district's enabling act (House, No. 4459); and

Authorizing the Martha's Vineyard Regional High School District to lease certain land (House, No. 4574);

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

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (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 the Speaker in the Chair.

Recess.

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

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

Quorum, yea and nay No. 331.

[See Yea and Nay No. 331 in Supplement.]

Therefore a quorum was present.

The House Bill establishing a primary seat belt law (House, No. 229) was read a second time.

Seat belt law.

After debate on the question on ordering the bill to a third reading, Ms. Rivera of Springfield asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

Quorum, yea and nay No. 332.

[See Yea and Nay No. 332 in Supplement.]

Therefore a quorum was present.

After further debate on the question on ordering the bill to a third reading, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

Quorum, yea and nay No. 333.

[See Yea and Nay No. 333 in Supplement.]

Therefore a quorum was present.

After further debate on the question on ordering the bill to a third reading, 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.

Quorum,  
yea and nay  
No. 334.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

**[See Yea and Nay No. 334 in Supplement.]**

Therefore a quorum was present.

Mr. Frost of Auburn then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

“Notwithstanding any general or special law to the contrary, any grand jury or jury convened in any nature, may consider when assessing both fault and damages whether persons involved in an automobile accident were wearing seatbelts at the time of the accident.”

Point of  
order.

Ms. Rivera of Springfield thereupon raised a point of order that the amendment offered by Mr. Frost was improperly before the House for the reason that it was beyond the scope of the bill currently before the House.

The Chair (Mr. Petrolati of Ludlow) stated that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Frost thereupon doubted the ruling of the Chair; and the appeal was seconded by Mr. Jones of North Reading.

The question was then put: “Shall the decision of the Chair stand of the judgment of the House?”

Decision of  
Chair  
sustained,  
yea and nay  
No. 335.

On the appeal from the decision of the Chair, the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 131 members voted in the affirmative and 20 in the negative.

**[See Yea and Nay No. 335 in Supplement.]**

Therefore the decision of the Chair was sustained.

Mr. Frost then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 2. Notwithstanding any general or special law to the contrary, any grand jury or jury convened in any nature may consider when assessing both fault and damages whether persons involved in an automobile accident were wearing seatbelts at the time of the accident.”

Point of  
order.

Ms. Rivera of Springfield thereupon raised a point of order that the amendment offered by Mr. Frost was improperly before the House for the reason that it was beyond the scope of the bill currently before the House.

The Chair (Mr. Petrolati of Ludlow) stated that the point of order was well taken; and the amendment was laid aside accordingly.

Messrs. Speliotis of Danvers and Petersen of Marblehead then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

“Section 13A of chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking the seventh paragraph beginning on line 23 and inserting in place thereof the following two paragraphs:—

Any person under the age of twenty-two who operates a motor vehicle without a safety belt, and any person sixteen years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt in violation of this section, shall be subject to a fine of

twenty-five dollars. Any operator of a motor vehicle shall be subject to an additional fine of twenty-five dollars for each person under the age of sixteen and not younger than twelve who is a passenger shall be enforced by law enforcement agencies when an operator of a motor vehicle or passenger who rides in the front seat is not wearing a safety belt in violation of motor vehicle laws. A police officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section. For a period of 180 days following the effective day of this act, any law enforcement official who stops a motorist solely because of failure to wear a safety belt shall not issue a citation, but shall only issue a written or verbal warning.

Any person not younger than twenty-two who operates a motor vehicle without a safety belt, and any person sixteen years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt in violation of this section, shall be subject to a fine of twenty-five dollars. Any operator of a motor vehicle shall be subject to an additional fine of twenty-five dollars for each person under the age of sixteen and not younger than twelve who is a passenger in said motor vehicle and not wearing a safety belt. The provisions of this paragraph shall be enforced by law enforcement agencies only when an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws or some other offense.”

Pending the question on adoption of the amendment, Mr. Lantigua of Lawrence moved that the amendment be amended by adding at the end thereof the following sections:

“SECTION 2. This Act shall be repealed in its entirety by its terms on June 1, 2008, in order to give the legislature the opportunity to review all data collected pursuant hereto for its effect on stopping and ticketing practices in commonwealth, including the racial profile of those stopped.”

The further amendment was rejected.

Mr. Frost of Auburn then moved that the amendment offered by Messrs. Speliotis and Petersen be amended in the second paragraph by striking out the words “under the age of twenty-two” and inserting in place thereof the words “younger than eighteen” and in the third paragraph by striking out the words “not younger than twenty-two” and inserting in place thereof the words “not younger than eighteen”.

After remarks the further amendments were rejected.

After debate on the question on adoption of the amendment, the sense of the was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 9 members voted in the affirmative and 141 in the negative.

Amendment  
rejected,  
yea and nay  
No. 336.

**[See Yea and Nay No. 336 in Supplement.]**

Therefore the amendment was rejected.

Mr. Rushing of Boston and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 2. All state police barracks, municipalities, and university police officers shall collect information on all traffic stops, including those not resulting in a warning, citation, or arrest, for a period of five years.

Seat belt law.

Such information shall be entered on a uniform Data Collection Form, developed and approved by the executive office of public safety. Information to be collected shall include, in addition to information currently required by the Massachusetts Uniform Citation, all information specified in Sections 8 and 10 of Chapter 228 of the Acts of 2000. Information collected shall indicate the reason for the stop and also whether a stop was initiated by the failure of the operator or a passenger to wear a seat belt. Individual law enforcement officer identification will be included on each uniform Data Collection Form.

The executive office of public safety shall develop a uniform protocol for state police and municipal police officers on how to use the Massachusetts Separate Data Collection Form pursuant to this statute. The secretary of public safety shall direct the criminal justice training council to include these protocols in (1) the new recruit basic training curriculum under section 116A of chapter 6 of General Laws; (b) any in-service training for veteran officers; (c) any supervisory training for all superior offices; and (d) any dispatchers and communications training officers.

The registry of motor vehicles shall collect, aggregate, and maintain the statistical information on the data required by this Act and shall report that information monthly to the secretary of public safety, who shall determine when it is also appropriate to transmit such data to the attorney general.

All information collected pursuant to this Act will be considered a matter of public record, provided, however, that individual motorist data acquired under the Act shall be used only for statistical purposes and may not contain information that may reveal the identity of any individual who is stopped.”

Point of order.

Mr. Peterson of Grafton thereupon raised a point of order that the amendment offered by Mr. Rushing, et als, was improperly before the House for the reason that it was beyond the scope of the bill currently before the House.

The Chair (Mr. Petrolati of Ludlow) stated that the point of order was well taken; and the amendment was laid aside accordingly.

Ms. Wolf of Cambridge then moved that the bill be amended in lines 16, 17 and 18, by striking out the sentence contained therein and inserting in place thereof the following sentence: “Any search or inspection of the motor vehicle, its contents, the driver, or a passenger stopped solely to enforce Section 13A of Chapter 90 shall be considered an illegal search.”

The amendment was adopted.

The same member then moved that this vote be reconsidered; and the motion to reconsider prevailed.

On the recurring question, the amendment was rejected.

Mr. Cabral of New Bedford then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 2. Chapter 228 of the Acts of 2000 is hereby amended by adding at the end the following new section:—

The registry of motor vehicles shall maintain information specified in Section 8 of this Act for any citation or warning issued or any stop not resulting in a warning or citation for failure to wear a seat

belt as required by paragraph 7 of section 13A of chapter 90 of the General Laws. The registry of motor vehicles shall forward this data to the attorney general and the clerks of the house of representatives and the senate no later than January 1, 2007 and at least annually thereafter.”

The amendment was adopted.

On the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Ms. Rivera of Springfield; and on the roll call 77 members voted in the affirmative and 74 in the negative.

Bill ordered to a third reading, yea and nay No. 337.

**[See Yea and Nay No. 337 in Supplement.]**

Therefore the bill (House, No. 229, amended) was ordered to a third reading.

*Order.*

An Order (filed this day by Mr. Scaccia of Boston) relative to special procedures for consideration of the Senate Bill relative to charities in Massachusetts [see Senate, No. 1074] (House, No. 4639), was referred to the committee on Rules.

Massachusetts charities, procedures.

Mr. Scaccia, for said committee, then reported, under the provisions of House Rule 7B, recommending that the order ought to be adopted.

On the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 129 members voted in the affirmative and 20 in the negative.

Order adopted, yea and nay No. 338.

**[See Yea and Nay No. 338 in Supplement.]**

Therefore the order was adopted.

*Orders of the Day.*

The engrossed Bill authorizing certain investments by the treasurer of the town of Brookline (see House, No. 4222), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4607), was considered.

Brookline, trust fund.

On the question on passing the bill, notwithstanding the said objections, was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 148 members voted in the affirmative and 2 in the negative.

Bill passed over veto, yea and nay No. 339.

**[See Yea and Nay No. 339 in Supplement.]**

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

At nine minutes before five o'clock P.M., on motion of Mr. Golden of Lowell (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twenty minutes after five o'clock; and at twenty-eight minutes after five o'clock the House was called to order with Mr. Golden in the Chair.

Recess.

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Golden), 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. 340.

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

**[See Yea and Nay No. 340 in Supplement.]**

Therefore a quorum was present.

Seat  
belts.

Ms. Rivera of Springfield moved that the House Bill further regulating the use of seat belts (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, be read a third time, under suspension of the rules.

Rules  
suspended,  
yea and nay  
No. 341.

On the question on suspension of the rules, 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 20 in the negative.

**[See Yea and Nay No. 341 in Supplement.]**

Therefore the rules were suspended.

The bill then was read a third time.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 342.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 76 members voted in the affirmative and 74 in the negative.

**[See Yea and Nay No. 342 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed.

Ms. Rivera of Springfield moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negatived. The bill (House, No. 229, amended) then was sent to the Senate for concurrence.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

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

Mr. Flynn of Bridgewater then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at fourteen minutes before six o'clock P.M., the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.