

JOURNAL OF THE HOUSE.

Wednesday, June 28, 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:

God of Peace and Truth, we direct our attention to You as we pray for Your gift of wisdom, which enables us to comprehend more clearly the significant legislative issues of the day. Your assistance helps us to deal with the day's calendar items in a mature manner. Grant us the patience to carry out successfully our responsibilities, often burdensome, and to listen intently to the suggestions and insights of others as we think through our decisions and their consequences. In our decision-making process, teach us to respect the constitutional rights of all to express their views, beliefs and principles on all issues. May we use our talents and the good will of all in building civil and stable neighborhoods.

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

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.

Silent Prayers.

During the session, at the request of the Chair (Mr. Petrolati of Ludlow being in the Chair), the members, guests and employees stood in a moment of silent prayer in memory of J. Michael Ruane, a member of the House of Representatives from 1975 to 2004, inclusive.

During the session, at the request of Miss Garry of Dracut and the Springfield delegation (Mr. Petrolati of Ludlow being in the Chair), the members, guests and employees stood in a moment of silent prayer in memory of Marine Corporal Paul "Nick" King, 23, of Tyngsboro, who was killed on Sunday, June 25, in Iraq and Army Specialist David Babineau of Springfield, who was killed on Friday, June 16 in Iraq and was buried today at Arlington National Cemetery in Washington, D.C.

Statement Concerning Representative Naughton of Clinton.

A statement of Mr. Rogers of Norwood concerning Mr. Naughton of Clinton 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 Naughton of Clinton will not be present in the House Chamber for today's sitting due to out-of-state business with the United States Army. Any roll calls that he may miss today and the next few days is due entirely to the reason stated.

Guest of the House.

Consul
General
David
Barry.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced the Honorable David Barry, Consul General of Ireland, whose jurisdiction includes the Commonwealth as well as the states of Maine, New Hampshire, Rhode Island and Vermont. Mr. Barry, who then addressed the House briefly, was the guest of Representatives Walsh of Boston, Rush of Boston and O'Flaherty of Chelsea.

Resolutions.

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

Leadership
America.

Resolutions (filed by Mr. Miceli of Wilmington) honoring Leadership America for their dedication to women who lead; and

Sagamore
Club.

Resolutions (filed by Mr. O'Flaherty of Chelsea) congratulating the Sagamore Club of Chelsea's dart team on winning the state championship;

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. Flynn of Bridgewater, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Cheryl
Ferrara,
sick leave
bank.

A Bill establishing a sick leave bank for Cheryl Ferrara, an employee of the Department of Mental Retardation (Senate, No. 2550, 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 forthwith to establish a sick leave bank for a certain state employee, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Plainfield,
land
conveyance.

A petition (accompanied by bill, Senate, No. 2603) of Andrea F. Nuciforo, Jr., and Denis E. Guyer (by vote of the town) for legislation to authorize the town of Plainfield to convey a certain parcel of land to the Plainfield Congregational Church, Inc., was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

Civil service
positions.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning active and retired public employees (House, No. 4723)

reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 454) of Mark J. Carron and Anne M. Gobi for legislation to designate certain positions in the Division of State Parks and Recreation as permanent positions under the civil service system,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4800) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 601) of John P. Fresolo that reasonable expenses which have been certified by the employer as necessary to perform one's job shall not be considered as earnings,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Employee
expenses.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to establish a personal care attendant quality home care work force council (House, No. 4246) ought to pass with an amendment previously recommended by the committee on Health Care Financing (House, No. 4758) pending. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Home care
work force
council.

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.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to patients' rights (House, No. 2724) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading with certain amendments (previously recommended by the committee on Health Care Financing) pending.

Patients
rights.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

Further regulating the issuance of death certificates (House, No. 1468);

Death
certificates.

Relative to nursing home audit disallowances (House, No. 1498);

Nursing homes.

Relative to access to epinephrine in schools (House, No. 2637);

Epinephrine.

Exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen (House, No. 4118) [Local Approval Received];

Scott
Lemay.

Further regulating eligibility for the police civil service examination (House, No. 5041); and

Police,
eligibility.

Dartmouth.

Authorizing the town of Dartmouth to borrow money to fund certain payments (House, No. 5047) [Local Approval Received];
Severally placed in the Orders of the Day for the next sitting for a second reading.

Billerica,
civil service
exemptions.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill exempting certain clerical positions in the town of Billerica from the provisions of the civil service law (House, No. 4695) [Local Approval Received].

Methuen,
Sean W.
Richards.

By the same member, for the same committee, on a recommitted petition, a Bill exempting Sean W. Richards from maximum age requirement for applying for civil service appointment as a police officer in the city of Methuen (House, No. 4768) [Local Approval Received].

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

Orders of the Day.

Third
reading
bill.

The Senate Bill transferring employees of the Berkshire regional planning commission to the state retirement system (Senate, No. 1570, amended), 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.

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The House Bill authorizing the town of Somerset to lease land and grant easements in certain land (House, No. 4842, changed), 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.

Senate bills
Further regulating intermunicipal agreements (Senate, No. 1174);
Relative to a certain corporate credit union (Senate, No. 2286);
Releasing certain land in Amherst from the operation of an agricultural preservation restriction (Senate, No. 2359); and
Designating certain bridges in the Commonwealth (Senate, No. 2559); and
House bills
Making amendments to the Uniform Commercial Code covering provisions dealing with negotiable instruments and bank deposits and collections (House, No. 16);
Relative to dissection choice (House, No. 1051, changed);
Relative to the sale of certain types of life insurance policies within the Commonwealth (House, No. 1512);
Relative to hearings of the Division of Medical Assistance (House, No. 2681, changed);
Relative to the authority of the Disabled Persons Protection Commission (House, No. 2847);
Relative to the authority of the Disabled Persons Protection Commission (House, No. 2848);
Relative to the disclosure of information held by the Disabled Persons Protection Commission (House, No. 2849);

Regarding the definition of “disabled person” as used by the Disabled Persons Protection Commission (House, No. 2850);

Relative to clarifying responsibility in matters involving multiple defendants (House, No. 2992);

Relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 3034);

Further regulating stop payment orders to a bank (House, No. 3094);

Establishing a Massachusetts work-family council (House, No. 4216);

Relative to the Middlesex Canal Commission (House, No. 4280);
Authorizing the town of Shrewsbury to exchange certain land (House, No. 4739);

Relative to the investment laws of life insurance companies (House, No. 4973); and

Relating to Division of Insurance maintenance assessments (House, No. 4975);

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

The Senate Bill relative to a study by the Executive Office of Transportation and Construction (Senate, No. 1909, amended) was read a second time.

Second reading
bill amended.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4979,— was adopted.

The bill (Senate, No. 1909, amended) then was ordered to a third reading.

The House Bill relative to the duties of the clerk of the Superior Court (House, No. 765) was read a second time.

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The amendment previously recommended by the committee on Ways and Means,— that the bill be amended in line 8, by striking out the word “ten” and inserting in place thereof the word “five”,— was adopted.

The bill (House, No. 765, amended) then was ordered to a third reading.

House reports

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 98) of Bradley H. Jones, Jr., and others for legislation to prohibit campaign contributions by political action committees;

House
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 101) of Bradley H. Jones, Jr., and others relative to electronic filing for non-depository candidates;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 102) of Bradley H. Jones, Jr., and others relative to campaign finance reports; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 103) of Bradley H. Jones, Jr., and

others relative to contributions to candidates under the campaign finance law; and

Of the committee on Public Health, ought NOT to pass, on the petition (accompanied by bill, House, No. 2612) of William K. Soares for legislation to permit smoking by patrons in certain bars and cocktail lounges;

Severally were accepted.

The Senate Bill relative to the sale of land in Quincy by the Massachusetts Water Resource Authority (Senate, No. 2190, amended) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out section 1, was adopted.

Pending the question on ordering the bill, as amended, to a third reading, Mr. Jones of North Reading moved that it be amended by adding the following section:

“SECTION 4. Chapter 62 of the acts of 2005 is hereby amended by striking out section 2 in its entirety and by inserting in place thereof the following 2 new sections:—

Section 2. 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 2A. Section 71 of chapter 372 of the acts of 1984 shall not apply to the provision of water services to the town of Reading according to this act.”

The amendment was adopted; and the bill (Senate, No. 2190, amended) was ordered to a third reading.

Recess.

At twenty-four minutes before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-five minutes after one o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Mr. Flynn of Bridgewater 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.

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. 461 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The report of 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 2470) to the House Bill relative to mercury management (House, No. 4670), reporting a bill with the same title (House, No. 5112), was considered.

After remarks on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Smizik of Brookline; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 462 in Supplement.]

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

Recess.

At thirteen minutes after two o'clock P.M., on motion of Mr. Smizik of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past two o'clock; and at ten minutes before three o'clock the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Mr. Pedone of Worcester 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.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 463 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Loscocco of Holliston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present during the taking of the preceding quorum roll call due to official business in another part of the State House and therefore not recorded.

Orders of the Day.

The engrossed Bill relative to the generation of electricity (see House, No. 5104), being a printed copy of Sections 25 to 28, inclusive, 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), which had been returned by His Excellency the Governor with recommendation of amendments (for message, see attachment D of House, No. 5102), was considered.

House reports.

MWR A, Quincy land.

Recess.

Quorum.

Quorum, yea and nay No. 461.

Mercury management.

Committee of conference report accepted, yea and nay No. 462.

Recess.

Quorum.

Quorum, yea and nay No. 463.

Statement of Representative Loscocco of Holliston.

Electricity, generation.

Electricity,
generation.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment D of said House, No. 5102 (as perfected by said committee).

The report was accepted.

Amendment
rejected,
yea and nay
No. 464.

After remarks on the question on adoption of the amendments recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 22 members voted in the affirmative and 134 in the negative.

[See Yea and Nay No. 464 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

Environmental
clean-up
funds.

The engrossed Bill authorizing the transfer of funds for environmental clean-up purposes (see House, No. 5110), being a printed copy of Section 95 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), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment J of House, No. 5102), was considered.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment J of said House, No. 5102 (as perfected by said committee).

The report was accepted. The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

School-to-work
programs.

The engrossed Bill relative to matching grants for various school-to-work programs (see House, No. 5109), being a printed copy of Section 92 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), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment I of House, No. 5102), was considered.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment I of said House, No. 5102 (as perfected by said committee).

The report was accepted. The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill establishing certain educational funds (see House, No. 5105), being a printed copy of Section 31 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), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment E of House, No. 5102), was considered.

Educational
funds.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment E of said House, No. 5102 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 20 members voted in the affirmative and 136 in the negative.

Amendment
rejected,
yea and nay
No. 465.

[See Yea and Nay No. 465 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

The engrossed Bill establishing a medical device tax credit (see House, No. 5106), being a printed copy of Section 52 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), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment F of House, No. 5102), was considered.

Medical
device
tax credit.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment F of said House, No. 5102 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 25 members voted in the affirmative and 131 in the negative.

Amendment
rejected,
yea and nay
No. 466.

[See Yea and Nay No. 466 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

The engrossed Bill defining a medical device company (see House, No. 5107), being a printed copy of Section 59 contained in the engrossed Bill relative to economic investments in the Common-

Medical
device
company.

Medical
device
company.

wealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment G of House, No. 5102), was considered.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment G of said House, No. 5102 (as perfected by said committee).

The report was accepted.

After debate on the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 28 members voted in the affirmative and 128 in the negative.

[See Yea and Nay No. 467 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

Amendment
rejected,
yea and nay
No. 467.

Wireless
communication.

The engrossed Bill relative to wireless communication (see House, No. 5108), being a printed copy of Section 74 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), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment H of House, No. 5102), was considered.

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

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

The report was accepted. After debate the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

Zoological
Society.

The engrossed Bill relative to the Commonwealth Zoological Society (see House, No. 5096), being a printed copy of Section 89 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment F of House, No. 5092), was considered.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment F of said House, No. 5092 (as perfected by said committee).

The report was accepted. The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to certain programs within the Department of Public Health (see House, No. 5097), being a printed copy of Section 98 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment G of House, No. 5092), was considered.

Public Health,
programs.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment G of said House, No. 5092 (as perfected by said committee).

The report was accepted. The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to certain programs within the Executive Office of Public Safety (see House, No. 5098), being a printed copy of Section 116 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment H of House, No. 5092), was considered.

Public Safety,
programs.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment H of said House, No. 5092 (as perfected by said committee).

The report was accepted.

On the question on adoption of the amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 136 in the negative.

Amendment
rejected,
yea and nay
No. 468.

[See Yea and Nay No. 468 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

The engrossed Bill relative to the Transitional Escrow Fund (see House, No. 5099), being a printed copy of Section 133 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment I of House, No. 5092), was considered.

Transitional
Escrow
Fund.

Transitional
Escrow
Fund.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment I of said House, No. 5092 (as perfected by said committee).

The report was accepted. The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

Medical
Assistance
Fund.

The engrossed Bill relative to the Medical Assistance Fund (see House, No. 5100), being a printed copy of Section 134 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment J of House, No. 5092), was considered.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment J of said House, No. 5092 (as perfected by said committee).

The report was accepted.

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

[See Yea and Nay No. 469 in Supplement.]

Therefore the amendment recommended by the Governor was rejected. Sent to the Senate for its action.

Cherry Valley
and Rochdale
Water District.

The engrossed Bill relative to the Cherry Valley and Rochdale Water District (see House, No. 1290, amended), which had been returned to the House by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5080), was considered.

On the question on passing the bill, notwithstanding the said objections, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 135 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 470 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.

Cultural
facilities
fund.

The engrossed Bill establishing the Massachusetts cultural facilities fund (see House, No. 5103), being a printed copy of Section 21 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), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see attachment C of House, No. 5102), was considered.

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

By striking out all after the enacting clause and inserting in place thereof the text contained in said Attachment C of said House, No. 5102 (as perfected by said committee).

The report was accepted.

At the request of Mr. Peterson of Grafton, the amendments recommended by the Governor were divided.

The first pending amendment then was considered as follows:

By striking out, in the definition of "Cultural facility" the last sentence and inserting in place thereof the following sentence: "Institutions of higher education may qualify if they demonstrate that their cultural facility provides service and open access to the community and the general public outside of the regular educational mission of the institute of higher education and demonstrates financial need."

On the question on adoption of the first pending amendment recommended by the Governor, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 20 members voted in the affirmative and 134 in the negative.

Amendment
rejected,
yea and nay
No. 471.

[See Yea and Nay No. 471 in Supplement.]

Therefore the first pending amendment recommended by the Governor was rejected.

The second pending,— In paragraph (2) of subsection (b), by striking out the third sentence,— then also was rejected.

The amendments then were sent to the Senate for its action.

The engrossed Bill granting school nurses eligibility for professional teacher status (see House, No. 1087), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 5061), was considered.

School
nurses,
teacher
status.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form contained in said House, No. 5061 (as perfected by said committee).

The report was accepted. The amendment recommended by the Governor then was rejected. Sent to the Senate for its action.

Order.

On motion of Mr. DiMasi of Boston,—

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

Next
sitting.

Mr. Donato of Medford 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 twenty-three minutes after five o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at one o'clock P.M.