

JOURNAL OF THE HOUSE.

Thursday, July 13, 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, Spirit of Wisdom, in these uncertain and uneasy times, we begin each day with the intention of serving You, constituents and our families in a faithful and conscientious manner. Grant us, with Your assistance, the courage and the determination to achieve success in carrying out our personal and legislative goals and hopes. As elected leaders, may we continue to build trust and confidence in the hearts and minds of people in the relevance of our Constitution and in our basic and fundamental cultural institutions. In our effort to respond fairly to the needs and request of constituents, let the common good always remain our common goal.

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 — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to mercury management [see House, No. 5112] (for message, see House, No. 5185) was filed this day in the office of the Clerk.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the town of Franklin to establish a post employment health insurance trust fund [see House, No. 4150, amended] (for message, see House, No. 5186) 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.

Resolutions.

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

Richards B.
French.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Lieutenant Richards B. French on the occasion of his retirement;

Bonnie
Snow.

Resolutions (filed by Mr. Atsalis of Barnstable and other members of the House) congratulating Bonnie Snow on being selected to receive the fifth Mercy Otis Warren Cape Cod Woman of the Year Award;

Theodore
Gordon
Souza.

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Theodore Gordon Souza on receiving the Eagle Award of the Boy Scouts of America; and

Elizabeth
Freeman.

Resolutions (filed by Mr. Pignatelli of Lenox) on the occasion of the two hundred and twenty-fifth anniversary of the emancipation of Elizabeth Freeman;

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

Petitions.

Maynard,
traffic
improvements.

Mrs. Walrath of Stow presented a petition (subject to Joint Rule 12) of Patricia A. Walrath and Pamela P. Resor relative to authorizing the Massachusetts highway department and the town of Maynard to construct certain road improvements in said town; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mrs. Walrath, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Cigarette,
excise tax.

By Ms. Kaprielian of Watertown, petition (subject to Joint Rule 12) of Rachel Kaprielian and others relative to the costs of cigarette excise tax stamps.

Battle
Road,
scenic
byway.

By Mr. Kaufman of Lexington, petition (subject to Joint Rule 12) of Jay R. Kaufman and others for legislation to designate certain roadways in the towns of Arlington, Lexington, Lincoln and Concord as a scenic byway to be known as "The Battle Road: The Road to Revolutions".

Westborough,
Zara Cisco
Brough.

By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 12) of Karyn E. Polito and others for legislation to designate the Department of Youth Services site in the town of Westborough as the Zara Cisco Brough-"Little White Flower" Facility.

Massage
therapists,
licensing.

By the same member, petition (subject to Joint Rule 12) of Karyn E. Polito and others relative to the requirements of applicants for licenses for the practice of massage therapy.

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

Papers from the Senate.

The engrossed Bill relative to clinical laboratories (see Senate, No. 725, amended), which had been returned to the Senate by His Excellency the Governor (under Article LVI of the Amendments to the Constitution) with recommendation of amendment [for message, see Senate, No. 2634], came from said branch with the endorsement that it amended the bill as follows:

Clinical
laboratories.

In section 1 by striking out the word "clinics" and inserting in place thereof the word "programs" and by striking out the words "or other government entities" and inserting in place thereof the words "or those vendors that contract with state agencies and are designated by the contracting agency to request such screenings"; and in section 2 by inserting after the word "regulations" the words "for the MassHealth program that are" and by striking out the word "physician's".

Under suspension of Rule 35, on motion of Mr. Mariano of Quincy, the amendments were considered forthwith.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

The House then concurred with the Senate in its amendments.

The House Bill protecting the rights of target shooters (House, No. 4552, amended) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

Target
shooters,
rights.

"Section 123 of chapter 140 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (a) any firearm lawfully owned or possessed under a license issued under this chapter on or before October 21, 1998; or (b) any firearm designated by the secretary of public safety, with the advise of the gun control advisory board established pursuant to section 131½ of chapter 140, as a firearm solely designed and sold for formal target shooting competition. The secretary of public safety shall compile a list, on a bi-annual basis, of firearms designated as formal target shooting firearms in accordance with this paragraph. Such list shall be made available for distribution by the executive office of public safety."; and striking out the title and inserting in place thereof the following title: "An Act further regulating the use of target shooting weapons."

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

A 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 in section 2, in line and 8, and also in lines 21 and 22, striking out the words "state administration" and inserting in place thereof the words "bonding, capital

UMass
Boston,
land.

expenditures and state assets”) (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.

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

U.S. Customs,
prohibiting
information.

Petition (accompanied by bill, Senate, No. 2641) of Michael W. Morrissey for legislation to prohibit certain information from being transmitted to the US Customs and border protection; and

Hampden,
Women s
modular
facility.

Petition (accompanied by bill, Senate, No. 2642) of Stephen J. Buoniconti, Brian P. Lees, Stephen M. Brewer, Michael R. Knapik and other members of the General Court for legislation relative to the Hampden Women’s Modular Correctional Facility;

Severally to the committee on Public Safety and Homeland Security.

Reports of Committees.

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 following petitions:

Civics,
high school
curriculum.

Petition (accompanied by bill) of Elizabeth A. Poirier and others that the Department of Education be directed to include a course in civics as a requirement for students to graduate from high school. To the committee on Education.

Invasive
aquatic
plants,
eradication.

Petition (accompanied by bill) of Stephen R. Canessa and others for legislation to establish an invasive aquatic plants control and prevention fund to be administered by the Department of Conservation and Recreation. To the committee on Environment, Natural Resources and Agriculture.

Motor
vehicles,
excise tax.

Petition (accompanied by bill) of Garrett J. Bradley and Frank M. Hynes for legislation to regulate the excise taxes imposed on owners of motor vehicles. To the committee on Revenue.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Parole
board.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill providing for behavioral science representation on the Parole Board (House, No. 1753) 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 Rule 7A, on motion of Ms. Balsler of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

Robert W.
Noseworthy,
retirement.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the retirement allowance payable to Robert W. Noseworthy (House, No. 4841) be scheduled for consideration by the House.

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

A report of the committee on Public Safety and Homeland Security, ought NOT to pass (under Joint Rule 10), on the recommitted petition (accompanied by bill, House, No. 1912) of Kay Khan and others relative to establishing a citizen review board to study, review and report on activities of the Department of Correction, was considered forthwith, under suspension of the rules, on motion of Ms. Khan of Newton.

Corrections,
review board.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Speliotis of Danvers.

Engrossed Bills.

Engrossed bills

Further regulating the compensation of the commission members of the Greater Lawrence Sanitary District (see House, No. 4138, amended); and

bills
enacted.

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

(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-seven minutes after eleven o’clock A.M., on motion of Mr. O’Flaherty of Chelsea (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of one o’clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

Recess.

Emergency Measure.

The engrossed Bill relative to early education and care (see House, No. 4755, 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.

Early
education.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 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 passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

bill
enacted.

Engrossed Bill.

The engrossed Bill relative to the minimum wage (see House, No. 4781, amended) (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.

Minimum
wage.

Bill enacted,
yea and nay
No. 494.

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. Peterson of Grafton; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 494 in Supplement.]

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

Recess.

Recess.

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

Orders of the Day.

Senate bills

Third
reading
bills.

Relative to the retirement classification of emergency medical services employees in the town of Billerica (Senate, No. 2093, amended) (its title having been changed by the committee on Bills in the Third Reading); and

Further regulating election practices (Senate, No. 2277, amended) (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. Severally sent to the Senate for concurrence in amendments previously adopted by the House.

Senate bills

ri

Authorizing the late filing of a tax abatement application for the National Plastics Center and Museum of Leominster (Senate, No. 2386) (its title having been changed by the committee on Bills in the Third Reading); and

Designating certain bridges (Senate, No. 2559);

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, in concurrence.

House bills

ri

Relative to the interstate insurance compact (House, No. 1515);

Relative to the standard fire insurance policy (House, No. 1552);

Relative to fire fighter safety (House, No. 1929) (its title having been changed by the committee on Bills in the Third Reading);

Designating Benjamin Franklin as the official inventor of the Commonwealth (House, No. 4690);

Relative to the disposal of dredged material (House, No. 4884) (its title having been changed by the committee on Bills in the Third Reading);

Designating a certain bridge in the town of Franklin as the Lance Corporal Shayne Cabino Bridge (House, No. 4997) (its title having been changed by the committee on Bills in the Third Reading); and

Designating a certain bridge in the city of Boston and the town of Dedham as the Honorable Robert Cawley Memorial Bridge (House, No. 5067) (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. Severally sent to the Senate for concurrence.

House bills

To protect children from persons who offer to pay for sexual contact (House, No. 859);

Second
reading
bills.

Relative to the charter of the town of Greenfield (House, No. 4943, changed);

Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Lakeville (House, No. 5016);

Authorizing the town of Ipswich to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5182); and

Authorizing the town of Rehoboth to issue a license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5183);

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

The Senate Bill authorizing the town of Oxford to provide certain water supply improvements (Senate, No. 2548) was read a second time.

Oxford
water
supply.

Pending the question on ordering the bill to a third reading, Mr. Carron of Southbridge and other members of the House moved that it be amended by inserting after section 3 the following section:

“SECTION 3A. This act shall not be construed to authorize the town of Oxford to construct, own, or operate a water supply or water distribution system serving the entire town, or any portions thereof other than those agreed to by contract with the Aquarion Water Company of Massachusetts, Inc. pursuant to the authorization granted by section 1 of this act. This act shall not be deemed to constitute a repeal or amendment of said chapter 193 of the Acts of 1904, nor shall it be held to be a limitation upon the exclusive service franchise granted to said company by said act or otherwise be interpreted to limit or impair the rights of the company under said act.”

The amendment was adopted; and the bill (Senate, No. 2548, amended) was ordered to a third reading.

The engrossed Bill establishing the Massachusetts cultural facilities fund (see House, No. 5103), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5164), was considered.

Cultural
facilities
fund.

After remarks 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

Bill passed
over veto,
yea and nay
No. 495.

Bill passed over veto, yea and nay No. 495.

the Constitution; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 495 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.

Electricity, generation.

The engrossed Bill relative to the generation of electricity (see House, No. 5104), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5165), was considered.

Bill passed over veto, yea and nay No. 496.

After remarks 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 136 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 496 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.

Educational funds.

The engrossed Bill establishing certain educational funds (see House, No. 5105), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5166), was considered.

Bill passed over veto, yea and nay No. 497.

After remarks 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 139 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 497 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.

Unsigned circulars and posters.

The engrossed Bill relative to allowing certain unsigned circulars and posters (see House, No. 126), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5123), was considered.

Bill passed over veto, yea and nay No. 498.

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 132 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 498 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.

Genetic counselors.

The engrossed Bill to provide licensing for genetic counselors (see House, No. 4326), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5130), was considered.

After remarks 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 136 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 499 in Supplement.]

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

Bill passed over veto, yea and nay No. 499.

The engrossed Bill relative to HIV and Hepatitis C prevention (see House, No. 4176, amended), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5124), was considered.

Needle exchange program.

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 115 members voted in the affirmative and 42 in the negative.

Bill passed over veto, yea and nay No. 500.

[See Yea and Nay No. 500 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.

Subsequently a statement of Mr. Curran of Springfield 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 on the previous roll call I voted in the negative. However, now I find that, for some inexplicable reason, I was recorded as having voted in the affirmative.

Statement of Representative Curran of Springfield.

Subsequently a statement of Mr. Miceli of Wilmington 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 on the previous roll call I voted in the negative. However, now I find that, for some inexplicable reason, I was recorded as having voted in the affirmative.

Statement of Representative Miceli of Wilmington.

Subsequently a statement of Mr. Murphy of Lowell 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 on the previous roll call I voted in the negative. However, now I find that, for some inexplicable reason, I was recorded as having voted in the affirmative. Murphy of Lowell.

Statement of Representative Murphy of Lowell.

Subsequently a statement of Mr. Scaccia of Boston 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 on the previous roll call I voted in the negative. However, now I find that, for some inexplicable reason, I was recorded as having voted in the affirmative. Scaccia of Boston.

Statement of Representative Scaccia of Boston.

The engrossed Bill relative to compensation of justices (see House, No. 5093, amended), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5158), was considered.

Justices, compensation.

On the question on passing the bill, notwithstanding the said objections, the sense of the House was determined by yeas and nays,

Bill passed over veto,

yea and nay
No. 501.

as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 501 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.

Sheriffs,
compensation.

The engrossed Bill relative to compensation of sheriffs (see House, No. 5094, amended), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5159), was considered.

Bill passed
over veto,
yea and nay
No. 502.

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

[See Yea and Nay No. 502 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.

Court
employees,
compensation.

The engrossed Bill relative to compensation of certain court employees (see House, No. 5095, amended), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5160), was considered.

Bill passed
over veto,
yea and nay
No. 503.

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

[See Yea and Nay No. 503 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.

Zoological
Society.

The engrossed Bill relative to the Commonwealth Zoological Society (see House, No. 5096), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5161), was considered.

Bill passed
over veto,
yea and nay
No. 504.

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 141 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 504 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.

Public Safety,
programs.

The engrossed Bill relative to certain programs within the Executive Office of Public Safety (see House, No. 5098), which had been

returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 5162), 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 141 members voted in the affirmative and 16 in the negative.

[See Yea and Nay No. 505 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.

Subsequently a statement of Mr. Ross of Wrentham was spread upon the records, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I voted in the affirmative. However, now I find that, for some inexplicable reason, I was recorded as having voted in the negative.

Bill passed
over veto,
yea and nay
No. 505.

Statement of
Representative
Ross of
Wrentham.

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, amended), reported, in part, in each instance, that item 7007-0900 (contained in section 2), item 7100-8181 (contained in section 2A) and sections 49, 65, 88, 89, 91, 96, 104 and 111 stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Economic
Development,
reductions
and
disapprovals.

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

Under suspension of Rule 7A, in each instance, on motion of Mr. Binienda of Worcester, the following items and sections were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

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

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 506 in Supplement.]

Therefore section 49 was passed, notwithstanding the objections 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.

Historic
Rehabilitation
Tax Credit
section 49
stands,
yea and nay
No. 506.

Section 65, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as

Historic
Rehabilitation
Tax Credit

section 65
stands,
yea and nay
No. 507.

required by the Constitution; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 507 in Supplement.]

Therefore section 65 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-0900 (contained in section 2), which had been vetoed by the Governor, then was considered.

Office of Travel
and Tourism
7007-0900
stands,
yea and nay
No. 508.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 151 members voted in the affirmative and 6 in the negative.

[See Yea and Nay No. 508 in Supplement.]

Therefore item 7007-0900 (contained in section 2) was passed, notwithstanding the objections 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 7100-8181 (contained in section 2A), which had been vetoed by the Governor, then was considered.

UMS Food
Science
Department
7100-8181
stands,
yea and nay
No. 509.

The question on passing said item, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 509 in Supplement.]

Therefore item 7100-8181 (contained in section 2A) was passed, notwithstanding the objections 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 88, which had vetoed by the Governor, then was considered.

International
Trade and
Marketing
section 88
stands,
yea and nay
No. 510.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 140 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 510 in Supplement.]

Therefore section 88 was passed, notwithstanding the objections 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 89, which had vetoed by the Governor, then was considered.

Office of Travel
and Tourism
section 89
stands,
yea and nay
No. 511.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 146 members voted in the affirmative and 11 in the negative.

[See Yea and Nay No. 511 in Supplement.]

Therefore section 89 was passed, notwithstanding the objections 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 91, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 145 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 512 in Supplement.]

Therefore section 91 was passed, notwithstanding the objections 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.

Connecting
Activities
Increase
section 91
stands,
yea and nay
No. 512.

Mrs. Harkins of Needham being in the Chair,—

Section 96, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 513 in Supplement.]

Therefore section 96 was passed, notwithstanding the objections 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.

Cultural
Facilities Fund
section 96
stands,
yea and nay
No. 513.

Section 104, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 514 in Supplement.]

Therefore section 104 was passed, notwithstanding the objections 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.

Wireless
Broadband
Development
Fund
section 104
stands,
yea and nay
No. 514.

Section 111, which had vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the objections of the Governor, 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. 515 in Supplement.]

Therefore section 111 was passed, notwithstanding the objections 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.

Port Area
Designation
section 111
stands,
yea and nay
No. 515.

Emergency Measure.

The engrossed Bill to establish a personal care attendant quality home care workforce council (see House, No. 4758, 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.

Workforce
council.

Bill
re-enacted.

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

Recesses.

Recesses.

At twenty-two minutes after four o'clock P.M., Mrs. Harkins of Needham took the Chair and declared a recess until the hour of five o'clock; and at nineteen minutes before six o'clock the House was called to order with Mr. Donato of Medford in the Chair.

The House thereupon took a further recess, on motion of Mr. Rodrigues of Westport, subject to the call of the Chair; and at five minutes after six o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. O'Flaherty of Chelsea, until a quarter after seven o'clock; and at twenty minutes after seven o'clock the House was called to order with the Speaker in the Chair.

Message from the Governor.

Tunnels,
safety and
inspection.

A message from His Excellency the Governor submitting requests for making certain supplemental appropriations for the fiscal year 2007 and to provide for the inspection and safety of the Interstate-90 connector tunnel and all tunnels of the Metropolitan Highways System tunnels (House, No. 5187) was filed this day in the office of the Clerk.

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.

Subsequently Mr. DeLeo of Winthrop, for said committee, on the foregoing message, reported a Bill making certain supplemental appropriations for the fiscal year 2007 and to provide for the inspection and safety of the Interstate-90 connector tunnel and all tunnels of the Metropolitan Highways System tunnels (printed in House, No. 5187). 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.

Subsequently an Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of this matter (House, No. 5191), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was adopted.

Under suspension of the rules, on motion of Mr. DeLeo, the bill was read a second time and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith, its title having been changed by said committee to read: "An Act making certain supplemental appropriations for the fiscal year 2007 and to provide for the inspection and safety of the Interstate-90 connector tunnel and all tunnels of the Metropolitan Highways System."

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. DeLeo of Winthrop; and on the roll call 150 members voted in the affirmative and 3 in the negative.

[See Ye and Nay No. 516 in Supplement.]

Therefore the bill (printed in House, No. 5187) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,
yea and nay
No. 516.

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. 5150), returning with his disapproval of certain items and sections and reductions of certain items contained in the Engrossed Bill making appropriations for the fiscal year 2007 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. 5000), reported, in part, that item 4000-0500 (contained in section 2) stand (as passed by the General Court). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General
Appropriation
Bill.

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. DeLeo, said matter, which had been reduced by the Governor (as shown in said House, No. 5150), 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 Chapter I, Section I, Article II of the Constitution; and on the roll call 128 members voted in the affirmative and 21 in the negative.

MassHealth
Managed
Care Services
4000-0500
stands,
yea and nay
No. 517.

[See Ye and Nay No. 517 in Supplement.]

Therefore 4000-0500 (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.

Emergency Measures.

The engrossed Bill establishing nursing facility Medicaid rates (see House, No. 5152), 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.

Nursing
facilities.

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 25 to 0. Sent to the Senate for concurrence.

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

Bill
re-enacted.

Hospitals
and health
centers.

The engrossed Bill providing funds for the essential community provider trust (see House, No. 5153), 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.

Bill
re-enacted.

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

Medical
assistance
trust fund.

The engrossed Bill transferring certain funds to the medical assistance trust fund (see House, No. 5156), 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 29 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

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

Tunnels,
safety and
inspection.

The engrossed Bill making certain supplemental appropriations for fiscal year 2007 and to provide for the inspection and safety of the Interstate Highway Route 90 connector tunnel and all tunnels of the Metropolitan Highways System (see House bill printed in House, No. 5187), 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 17 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Designating certain bridges. (see Senate, No. 2559) (which originated in the Senate); and

Authorizing the town of Dartmouth to borrow money to fund certain payments (see House, No. 5047) (which originated in the House);

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

Order.

On motion of Mr. Scaccia of Boston,—

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

Next
sitting.

Mr. Scaccia 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 two minutes after nine o'clock P.M., there being no objection (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.