

JOURNAL OF THE HOUSE.

Wednesday, February 13, 2008.

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, each day we try with Your assistance to have the right and honorable intention of serving You and constituents in a responsible, responsive and rational manner. As elected officials, we know that we are limited in our ability to address satisfactorily the many concerns and the various interests of the people in the district. We believe that Your guidance enables, however, us to make sound judgements, ethical choices and fair decisions in the legislative process. We pray for the wisdom, the patience and good sense to listen carefully to the voices of all the people and to work as a united people in building better, stable and civil communities. Inspire us to remain faithful to our own philosophical, political, moral and religious principles and norms as we carry out our daily duties in these difficult times.

Grant Your blessings to the Speaker, the members and employees of the 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.

Appointments to a Special Commission.

Band instruments, hygiene.

The Speaker announced the appointment of Representatives Donato of Medford and Koutoujian of Waltham to the special commission established (under Chapter 2 of the Resolves of 2007) to make an investigation and study of the hygienic procedures pertaining to band instruments and the prevention of the spread of contagious diseases through the use of such instruments in schools and to minimize the risks of cross-contamination when instruments are transferred from one musician to another.

Communication.

After and out of school time.

A communication from the committee on Education (under Section 2 of Chapter 45 of the Acts of 2005, as most recently amended by Section 26 of Chapter 140 of the Acts of 2007) submitting the results of its review of the recommendations of the special commission on after school and out of school time, was placed on file.

Statement Concerning Representative Forry of Boston.

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

WEDNESDAY, FEBRUARY 13, 2008.

1055

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Forry of Boston, will not be present in the House Chamber for today's sitting due to a family illness. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement concerning Representative Forry of Boston.

Statement of Representative Kaufman of Lexington.

A statement of Mr. Kaufman of Lexington, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for portions of today's sitting due to unavoidable scheduling conflicts. Any roll calls that I may miss today will be due entirely to the reason stated.

Statement of Representative Kaufman of Lexington.

Statement Concerning Representative L'Italien of Andover.

A statement of Mr. Rushing of Boston concerning Ms. L'Italien of Andover, 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 L'Italien of Andover, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement concerning Representative L'Italien of Andover.

Papers from the Senate.

A Bill further regulating employee compensation (Senate, No. 1059) (on House, No. 2714) [Representative Walz of Boston dissenting], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Employee compensation.

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. Flynn of Bridgewater, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, the same member moved to amend it by inserting after section 4 the following section:

"SECTION 4A. Section 148 of said chapter 149, as so appearing, is hereby amended by striking out, in line 2, the words 'weekly or bi-weekly' and inserting in place thereof the following words:— weekly, biweekly or semi-monthly."

After remarks the amendment was adopted.

The bill (Senate, No. 1059, amended) then was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Subsequently the bill came from the Senate with the endorsement that it had non-concurred with the House in its amendment.

On motion of Mr. Rodrigues of Westport, the House then receded from its amendment.

Easton,
insurance.

A Bill regulating certain insurance benefits for elected officials of the town of Easton (Senate, No. 1525) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

Principal s
contracts.

A Bill further regulating employment contracts for school principals (Senate, No. 273, amended in section 1, in lines 7, 8 and 9 (as changed by the Senate committee on Bills in the Third Reading), by striking out the two sentences contained therein and inserting in place thereof the following sentence: "The second and all subsequent contracts shall be for not less than 3 nor more than 5 years unless both parties agree to a shorter term of employment.") (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.

Ipswich,
sewer
system.

A Bill relative to the operation of the sewer system of the town of Ipswich (Senate, No. 2446) (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.

Cranberry
heritage,
commission.

A resolve providing for an investigation and study by a special commission relative to the establishment of a cranberry heritage area (Senate, No. 2496) (on Senate resolve No. 2012); passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Peabody,
court
clerks.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Michael A. Costello for legislation to authorize the appointment of two additional assistant clerks in the district court of Peabody. Under suspension of the rules, on motion of Mr. Sullivan of Fall River, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Life
sciences,
expansion.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, asking to be discharged from further consideration of so much the message from His Excellency the Governor recommending legislation relative to providing for the investment in and expansion of the life sciences industry in the Commonwealth (House, No. 4234) as relates to sections 2, 3 and 4,— and recommending that said sections be referred to the committee on Ways and Means. [Representative Poirier of North Attleborough dissenting.]

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By Mr. Binienda of Worcester, for the committee on Revenue, asking to be discharged from further consideration of so much of the message from His Excellency the Governor recommending legisla-

tion relative to providing for the investment in and expansion of the life sciences industry in the Commonwealth (House, No. 4234) as relates to sections 7 and 14 to 23, inclusive,— and recommending that said sections be referred to the committee on Ways and Means.

Under Rule 42, the reports were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the joint committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to unemployment insurance rates (House, No. 4374) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4528). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Unemployment
insurance
rates.

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. Rodrigues of Westport, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, 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. The bill (House, No. 4528) then was sent to the Senate for concurrence.

By Mrs. Haddad of Somerset, for the committee on Education, on Senate, No. 349 and House, No. 430, a Bill to ensure adequate nursing services at public schools (House, No. 430).

Nursing
services.

By the same member, for the same committee, on a petition, a Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 441).

Child
suicide.

By the same member, for the same committee, on Senate, No. 328 and House, Nos. 467 and 483, a Bill relative to student nutrition and wellness (House, No. 483).

Student
nutrition.

By the same member, for the same committee, on a petition, a Bill requiring school districts to adopt a certain health program (House, No. 539).

School
districts,
health
programs.

By the same member, for the same committee, on a petition, a Bill relative to asthma screening (House, No. 590).

Asthma
screening,
schools.

By Ms. Balsler of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill to require equitable payment from the Commonwealth (House, No. 1900).

Equitable
payment.

By the same member, for the same committee, on Senate, Nos. 1135, 1136 and 1137 and House, Nos. 1880 and 1913, a Bill requiring prescription drug abuse and pain management training for medical providers (House, No. 4529).

Pain
management.

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

School
busing,
costs.

By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Resolve establishing a special commission relative to reimbursements of school busing costs (House, No. 3606). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Vocational
education.

By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Bill establishing an advisory council on vocational technical education to the Board of Education (House, No. 437).

High
schools,
cardiopulmonary
resuscitation.

By the same member, for the same committee, on House, Nos. 426, 439, 515 and 558, a Bill requiring instruction in cardiopulmonary resuscitation and the use of automatic external defibrillators for high school graduation (House, No. 439).

Private
schools,
pricing.

By the same member, for the same committee, on a petition, a Bill relative to pricing for chapter 71B approved private school programs (House, No. 440).

Special
education.

By the same member, for the same committee, on a petition, a Bill relative to special education settlement and fairness (House, No. 543).

Id

By the same member, for the same committee, on a petition, a Bill relative to special education due process costs (House, No. 547).

MCAS
exam.

By the same member, for the same committee, on House, Nos. 507 and 523, a Bill permitting non public school students to take MCAS exam (House, No. 4530).

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

Students,
parental
participation.

By Mrs. Haddad of Somerset, for the committee on Education, on a petition, a Bill to provide access to information for parents' evaluators (House, No. 391).

MCAS,
special needs
accommodations.

By the same member, for the same committee, on a petition, a Bill relative to accommodations for special needs students taking the MCAS examination (House, No. 457).

Twins,
class room
placement.

By the same member, for the same committee, on House, Nos. 460 and 469, a Bill relative to the placement of twins in classrooms (House, No. 460).

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

Emergency Measure.

Suzanne
Soucie,
sick leave.

The engrossed Bill establishing a sick leave bank for Suzanne L. Soucie, an employee of the Trial Court (see House, No. 4505), 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 5 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently (Mr. Scaccia of Boston being in the Chair), 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.

Engrossed Bill.

The engrossed Bill authorizing the appointment of certain persons as firefighters in the city of Fall River (see House, No. 4089) (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. Bill
enacted.

Recesses.

At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at six minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recesses.

The Chair (Mr. Donato) thereupon declared a further recess subject to the call of the Chair; and at seven minutes before two o'clock the House was called to order with Mr. Scaccia of Boston in the Chair.

Emergency Measures.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to exchange certain land in the town of Needham (see House, No. 4367 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. Needham,
land
exchange.

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 35 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, in its amended form; and it was signed by the acting Speaker and sent to the Senate. Bill
re-enacted.

The engrossed Bill relative to unemployment insurance rates (see House, No. 4528), 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. Unemployment
insurance
rates.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 31 to 0. Sent to the Senate for concurrence.

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

Engrossed Bills.

Engrossed bills
Abolishing the North East Solid Waste Committee (see Senate, No. 549, amended) (which originated in the Senate); Bills
enacted.

Bills
enacted.

Further regulating the disclosure of certain financial information to the division of medical assistance (see House, No. 975);

Designating May 24 as Phenylketonuria Awareness Day (see House, No. 3174);

Further regulating water betterments in the town of Brewster (see House, No. 3955);

Relative to the issuance of certain bonds by the town of Wellfleet (see House, No. 4036);

Designating Norman Rockwell as the official artist of the Commonwealth (see House, No. 4228);

Authorizing the town of Harwich to acquire certain cemetery property (see House, No. 4255);

Further amending the charter of the town of Braintree (see House, No. 4398); and

Exempting certain positions in the city of Worcester from the civil service law (see House, No. 4497);

(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.

Motion to Suspend Rule 24(2).

Local Aid,
resolutions.

Mr. Jones of North Reading moved that Rule 24(2) be suspended in order that he might offer, from the floor, resolutions (filed by him and others) providing for a declaration of the intent of the House of Representatives and the Senate relative to the minimum amount and distribution of Local Aid to the Commonwealth's cities, towns and regional school districts for fiscal year 2009.

After debate the motion to suspend Rule 24(2) was negatived; and the resolutions were referred, under said rule, to the committee on Rules.

Orders of the Day.

Third
reading
bill.

The Senate Bill relative to revising the composition and duties of the Quinebaug and Shetucket Rivers Valley Heritage District and Commission (Senate, No. 2310, 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. Sent to the Senate for concurrence in the amendment previously adopted by the House.

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The Senate Bill authorizing the investment of trust funds for the city of Northampton (Senate, No. 2400), 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.

House bills

Allowing town meetings to be held in June (House, No. 1943);

Relative to administrative oversight of the hiring process in the town of West Boylston (House, No. 4099); and

Third
reading
bills.

Authorizing the town of Tewksbury to lease land conveyed for cemetery and recreation purposes (House, No. 4135) (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.

Senate bills

Authorizing the appointment of special police officers in the city of Fall River (Senate, No. 2251);

Relative to property tax exemptions in the town of Swampscott (Senate, No. 2324);

Establishing a special fund in the town of Brimfield (Senate, No. 2328, changed); and

Regulating public entities licensed by the department of telecommunications and energy (Senate, No. 2469); and

House bills

Relative to the teaching of African American history in public schools (House, No. 432);

Relative to school improvement plans (House, No. 448);

To authorize codes of conduct for players, coaches, officials and parents in athletic settings (House, No. 553);

Relative to caregiver medical and educational consent (House, No. 1151, changed);

To improve access to mental health services (House, No. 1873);

Authorizing the town of Carver to appoint new members to the conservation commission (House, No. 1938);

Exempting the city of Springfield from certain provisions of the General Laws (House, No. 4082);

Providing for the merger of the Turners Falls Fire District and the Lake Pleasant Water Supply District (House, No. 4417);

Authorizing the town of Amesbury to grant 2 additional alcoholic beverage licenses (House, No. 4426);

Relative to certain licenses for the sale of all alcoholic beverages to be drunk on the premises in the town of Hingham (House, No. 4501); and

Authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4517);

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

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Harwich to acquire certain real property (see House, No. 4257) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation

Second
reading
bills.

Harwich,
cemetery
land.

Bill enacted
(land taking),
yea and nay
No. 253.

Harwich,
cemetery
land.

purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 149 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 253 in Supplement.]

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

Orders of the Day.

Oceans.

The Senate Bill relative to oceans (Senate, No. 2346, amended) was read a second time.

The amendments 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 4527 and by striking out the title and inserting in place thereof the following title: “An Act to protect the public trust and safeguard ocean resources.”,— were considered.

Quorum.

Pending the question on adoption of amendments, Mr. Greene of asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Scaccia of Boston), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yeas and nays
No. 254.

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 Yeas and Nays No. 254 in Supplement.]

Therefore a quorum was present.

Ms. Wolf of Cambridge then moved to amend the proposed substitute text in section 2, in paragraph 2, by inserting after the first sentence the following sentence: “Every effort shall be made by the municipality, in collaboration with the Department of Environmental Protection and/or the Massachusetts Water Resources Authority, to use the most up-to-date technology to mitigate pollutants in the discharge.”; and the further amendment was rejected.

Mr. Quinn of Dartmouth then moved to amend the proposed substitute text by striking out section 2.

Further
amendment
rejected,
yeas and nays
No. 255.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 31 members voted in the affirmative and 117 in the negative.

[See Yeas and Nays No. 255 in Supplement.]

Therefore the further amendment was rejected.

After remarks, Mr. Quinn moved that the bill be recommitted to the committee on Ways and Means with instructions to hold a public hearing.

Motion to
recommit
negated,
yeas and nays
No. 256.

After remarks on the motion to recommit, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 34 members voted in the affirmative and 114 in the negative.

[See Yeas and Nays No. 256 in Supplement.]

Therefore the motion to recommit to the committee on Ways and Means with instructions was negated.

After remarks, Mr. Quinn of Dartmouth moved that further consideration thereof be postponed until Tuesday, April 1.

After remarks on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 33 members voted in the affirmative and 113 in the negative.

[See Yeas and Nays No. 257 in Supplement.]

Therefore the motion to postpone was negated.

After remarks Mr. Quinn of Dartmouth moved to amend the proposed substitute text be amended in section 2 by adding at the end thereof the words “; provided further that no renewable resource facilities shall be constructed within two miles of any land mass in the Commonwealth of Massachusetts”.

After remarks the further amendment was rejected.

Messrs. Smizik of Brookline and DeLeo of Winthrop then moved to amend the proposed substitute text be amended in section 4 by striking out subsection (h) and inserting in place thereof the following subsection:

“(h) The joint committee on state administration and regulatory oversight of the general court, in this subsection called the committee, shall have authority to review a proposed ocean management plan or regulations proposed or adopted pursuant to this chapter. The committee shall consult with the joint committee on environment, natural resources and agriculture in performing this review. The committee may hold public hearings concerning a proposed ocean management plan or a proposed or existing regulation and may submit to the secretary comments concerning the merit and appropriateness of the proposed ocean management plan or regulations to be promulgated and an opinion whether the proposed ocean management plan or regulations are authorized by, and consistent with, this chapter. The secretary shall respond in writing within 10 days to the committee’s written questions relevant to the committee’s review of a proposed ocean management plan or proposed or existing regulation. The secretary shall provide to the committee, without charge, copies of all public records in the secretary’s custody relating to the proposed ocean management plan or regulation or action in question within 10 days of a request by the committee. The committee may issue a report with proposed changes to a proposed ocean management plan or proposed or existing regulation and shall transmit this report to the secretary. If the secretary does not adopt the proposed changes contained in the committee’s report, the secretary shall notify the committee in writing of the reasons why he did not adopt the changes either at the time he adopts a proposed ocean management plan or proposed regulation or within 21 days of receiving the committee’s report on an existing regulation.”.

After remarks the further amendment was adopted.

Mr. Hynes of Marshfield then moved to amend the proposed substitute text by striking out section 3 and inserting in place thereof the following section:

“SECTION 3. Section 18 of said chapter 132A of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph:—

Oceans.

Any permit or license issued by a department, division, commission, or unit of the executive office of energy and environmental affairs and other affected agencies or department of the commonwealth for activities or conduct consistent with this act shall be subject to an ocean development mitigation fee as shall be established by the secretary of the executive office of energy and environmental affairs, provided that no fee shall be assessed on commercial and recreational fishing permits or licenses. All the proceeds of the ocean development mitigation fee shall be deposited in the Ocean Resources and Waterways Trust Fund established pursuant to section 35GG of chapter 10.”.

The further amendment was adopted.

After remarks Mr. Jones of North Reading and other members of the House moved to amend the proposed substitute text in section 4, in subsection (c), by striking out the second sentence contained therein and inserting in place thereof the following sentence: “Said advisory group shall be appointed by the secretary and shall consist of the following members: 3 members of the senate, 1 of whom shall be the chair of ways and means, or his designee, 1 of whom shall be the chair of environment, natural resources and agriculture, or his designee, and 1 appointed by the minority lead of the senate; 3 members of the house of representatives, 1 of whom shall be the chair of ways and means, or his designee, 1 of whom shall be the chair of environment, natural resources and agriculture, or his designee, and 1 appointed by the minority lead of the house of representatives; a representative from the department of environmental protection; a representative from the department of conservation and recreation; a representative from the division of marine fisheries; a representative from the office of coastal zone management; a representative from the city of Boston to be appointed by the mayor of said city; and a representative, to be appointed by the governor, from the following organizations: a commercial fishing organization; an offshore renewable energy trade organization; the Cape Cod Commission; the Martha’s Vineyard Commission; the Merrimack Valley Planning Commission; and the Southeast Regional Planning and Economic Development District.”.

The further amendment was adopted.

Mr. Hynes of Marshfield then moved to amend the proposed substitute text by adding at the end thereof the following section:

“SECTION 5. Nothing in this act shall be construed to alter the jurisdictional authority of the division of marine fisheries.”.

The further amendment was adopted.

The amendments recommended by the committee on Ways and Means, as amended, then also were 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 Mr. Smizik of Brookline; and on the roll call 143 members voted in the affirmative and 6 in the negative.

[See Yea and Nay No. 258 in Supplement.]

Therefore the bill (Senate, No. 2346, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Smizik of Brookline, the bill (having been reported by the com-

Bill ordered to a third reading, yea and nay No. 258.

mittee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: “An Act protecting the public trust and safeguarding ocean resources.”.

The bill (Senate, No. 2346, amended) then was sent to the Senate for concurrence in the amendments.

Recess.

At a quarter before six o’clock P.M., the Chair (Mr. Scaccia of Boston) declared a recess until a quarter after six o’clock; and at twenty-five minutes after six o’clock the House was called to order with Mr. Scaccia in the Chair.

Recess.

Engrossed Bill — Land Taking.

The engrossed Bill relative to an exchange of land in the town of Swansea (see House, No. 4440) (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.

Swansea, land exchange.

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

Bill enacted (land taking), yea and nay No. 259.

[See Yea and Nay No. 259 in Supplement.]

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

Orders of the Day.

The House Bill to create an exemption for low-income seniors from Proposition 2½ overrides (House, No. 2840) was read a second time.

Low-income seniors, tax exemptions.

Pending the question on ordering the bill to a third reading, Mr. Binienda of Worcester moved to amend it by substitution of a bill with the same title (House, No. 4534), which was read.

Mr. Peterson of Grafton thereupon raised a point of order that the amendment offered by the gentleman from Worcester was improperly before the House for the reason that it is beyond the scope of the pending bill.

Point of order.

The Chair (Mr. Scaccia of Boston) stated that amendment offered by gentleman from Worcester reports to do less than the pending bill; and therefore was within the scope of the pending bill. Therefore the point of order was NOT well taken.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 110 members voted in the affirmative and 35 in the negative.

Amendment adopted, yea and nay No. 260.

[See Yea and Nay No. 260 in Supplement.]

[Mr. Scaccia of Boston answered “Present” in response to his name.]

Therefore the amendment was adopted.

The substituted bill (House, No. 4534) then was ordered to a third reading.

Gift
certificates.

The Senate Bill further regulating the sale of gift certificates (Senate, No. 2345, amended) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1 (as printed) by striking out the following: “as appearing in the 2006 Official Edition” (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the words “as so appearing”; and in section 3 (as printed) by striking out the figures: “\$10.00” (inserted by amendment by the Senate) and inserting in place thereof the figures: “\$5.00” (as previously written in by the Senate committee on Bills in the Third Reading),— were adopted.

The bill (Senate, No. 2345, amended) then was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Bill passed
to be
engrossed,
yea and nay
No. 261.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 261 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed, in concurrence. The bill (Senate, No. 2345, amended) then was sent to the Senate for concurrence in the amendments.

Engrossed Bill.

Phosphorous
distribution.

The engrossed Bill regulating the distribution of household cleaning products containing phosphorous (see Senate, No. 536, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted,
yea and nay
No. 262.

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 Mrs. Walrath of Stow; and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 262 in Supplement.]

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

Engrossed Bill — Land Taking.

Westford,
land.

The engrossed Bill authorizing the town of Westford to convey certain land (see House, No. 4431) (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.

Bill enacted
(land taking),
yea and nay
No. 263.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the

Constitution); and on the roll call 146 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 263 in Supplement.]

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

Engrossed Bills.

Engrossed bills

Further regulating employee compensation (see Senate, No. 1059) (which originated in the Senate); and

Authorizing the town of Cohasset Water Department to provide water services to entities outside Cohasset (see House, No. 4014) (which originated in the House);

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

Order.

On motion of Mr. DiMasi of Boston,—

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

Representatives Malia of Boston and Scaccia of Boston then moved that as a mark of respect to the memory of John G. Kelleher, a member of the House from Boston from 1973 to 1976, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at seven minutes after eight o'clock P.M., on motion of Mrs. Harkins of Needham (Mr. Scaccia of Boston being in the Chair), the House adjourned to meet tomorrow at eleven o'clock A.M., in an Informal Session.