

JOURNAL OF THE HOUSE.

Wednesday, May 19, 2010.

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, Our Creator, our strength in adversity, our comfort in sorrow and our hope for the future, we pause for a moment of reflection and prayer at the opening of today's formal legislative session. As we address and evaluate the items which came before us today, let our minds and hearts be filled with the spirit of knowledge, truth and peace. Inspire us to make legislative decisions which serve both the current and future needs of the people and our society. Help us to remain faithful to our traditional human and moral principles and values as we together work to promote the common good, trust in our constitutions and in our long-standing national traditions. We thank You for our material and spiritual blessings. Grant us the wisdom to use all our gifts, blessings and human and natural resources in a mature, wise and common sense manner.

Bestow Your blessings on 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 Prayer.

During the session, at the request of the Chair (Mr. Petrolati of Ludlow), the members guests and employees stood in a moment of silent tribute for Sergeant Joshua David Desforges, who tragically lost his life on May 12th, while supporting combat troops in Marjeh, Afghanistan. A lifelong resident of Ludlow, Sergeant Desforges was an outstanding Marine, having received several commendations, medal and ribbons. He is survived by his parents, David and Arlene Desforges and his loving sister, Jenelle (peanut) Desforges.

Governor's Message.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to making a corrective change relative to the town of Millbury and payment of a certain bill (House, No. 4684) was filed in the office of the Clerk on Monday, May 17.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Resignation of Representative Ross of Wrentham.

The following communication was read; and spread upon the records of the House, as follows:

May 19, 2010.

Steven T. James, *Clerk*
House of Representatives
State House
Boston, MA. 02133

Dear Mr. Clerk,

I am writing to inform you that I am resigning as State Representative of the 9th Norfolk District in the House of Representatives effective at the close of session on Wednesday, May 19, 2010. I have enjoyed each and every moment spent as State Representative. I wish to express my sincerest thanks to all in the House of Representatives with whom I have had the honor to serve since 2004.

Very truly yours,

RICHARD J. ROSS,
State Representative.

Statement of Representative Linsky of Natick.

A statement of Mr. Linsky of Natick, was spread upon the records 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 the remainder of today's sitting due to a family medical emergency. Any roll calls that I may miss today will be due entirely to the reason stated.

Resolutions.

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

Resolutions (filed by Mr. Ross of Wrentham) congratulating Mary Megan Donald of Medfield on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Susan Herlihy of Medfield on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Kathleen Krah of Medfield on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Erin Monahan of Medfield on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Emily O'Connell of Medfield on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Grace Thole of Medfield on receiving the Gold Award of the Girl Scouts of America;

Resignation of Representative Richard J. Ross of Wrentham.

Statement of Representative Linsky of Natick.

Mary Megan Donald.

Susan Herlihy.

Kathleen Krah.

Erin Monahan.

Emily O'Connell.

Grace Thole.

Resolutions (filed by Messrs. Stanley of Waltham, Atsalis of Barnstable and Honan of Boston) recognizing Dr. Georgios Papastergiou, prefect of Pieria, on his visit to Massachusetts; and

Dr. Georgios Papastergiou.

Resolutions (filed by Mr. Webster of Pembroke) on the occasion of the Maquan and School Street Square in the town of Hanson being dedicated in honor of PFC Belmiro Tavares.

PFC Belmiro Tavares.

Mr. Binienda of Worcester, 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. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Rosa of Leominster presented a petition (subject to Joint Rule 12) of Dennis A. Rosa for legislation to authorize the Department of Children and Families to establish a sick leave bank for Rick Leclair, an employee of said department; and the same was referred, under Rule 24, to the committees on Rules of the two branches, acting concurrently.

Rick Leclair,—sick leave.

Mr. Binienda of the Worcester, 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 Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Representative Smola of Palmer and Senator Brewer presented a joint petition (subject to Joint Rule 12) of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Susan Spera, an employee of the Department of Development Services; and the same was referred, under Rule 24, to the committees on Rules of the two branches, acting concurrently.

Susan Spera,—sick leave.

Mr. Binienda of the Worcester, 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 Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill requiring proof of liquor legal liability insurance by all persons licensed to sell alcoholic beverages for on-premises consumption (House, No. 947, amended) came from the Senate passed to be engrossed, in concurrence, with amendments, in section 1, in line 3, by striking out the word "granted" and inserting in place thereof the following word:—"issued"; and by adding the following 3 sections:

Liquor liability.

"SECTION 2. Said chapter 138 is hereby further amended by striking out section 64A and inserting in place thereof the following section:—

Liquor liability.

Section 64A. In any hearing by a licensing authority under the first paragraph of section 64 where a licensing authority finds that a licensee under section 12 has served or sold alcohol or alcoholic beverages either to a person under 21 years of age in violation of section 64 or to an intoxicated person in violation of section 69 within the 24 months immediately preceding the date of the alleged violation that is the subject of the hearing, the licensing authority may require, in addition to imposing any other sanctions, as a condition precedent to any modification, reinstatement or renewal of the license that the licensee provide a certificate of insurance for liquor liability providing security for the liability of the licensee to a limit of not less than \$100,000 to any 1 person and \$200,000 to all persons; provided, however, if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12. Limits imposed or increased under this section shall be set at the discretion of the licensing authorities.

SECTION 3. The first sentence of the sixth paragraph of section 64B of said chapter 138, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— In any case in which a liquor liability insurance policy has been required or the limits of any such policy have been increased as a condition precedent to the modification, reinstatement or renewal of a license as provided in section 64A or section 67, a licensee shall disclose to the insurer that such policy has been required or such policy limits have been increased, shall provide to the liquor liability insurer the mailing address of the licensing authority and shall direct the insurer to include the licensing authority as a recipient of any notice which the insurer is required to issue to the licensee pursuant to chapter 175.

SECTION 4. The sixth paragraph of section 67 of said chapter 138, as so appearing, is hereby amended by inserting after the word 'persons', in line 49, the following words:— ; provided, however, that if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12."

Under suspension of Rule 35, on motion of Mr. Bradley of Hingham, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, and as subsequently corrected in section 4 by striking out the words "The first sentence of the sixth paragraph of section" and inserting in place thereof the word "Section") were considered forthwith; and they were adopted, in concurrence.

North Adams,— finances.

A petition (accompanied by bill Senate No. 2442) of Benjamin B. Downing and Daniel E. Bosley (with the approval of the mayor and city council) for legislation relative to the financial condition of the city of North Adams, was referred, in concurrence, to the committees on Revenue.

Howard Ray,— sick leave.

A petition of Michael O. Moore, Jennifer L. Flanagan and Dennis Rosa for legislation to establish a sick leave bank for Howard Ray, an employee of the Department of Education, came from the Senate

referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2448) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Binienda of Worcester, 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 Stephen Stat Smith, Paul J. Donato and others relative to the opening and closing of swimming pools under the jurisdiction of the Department of Conservation and Recreation. Under suspension of the rules, on motion of Mr. Smith of Everett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Conservation and Recreation,— swimming pools.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the lease of certain recreational facilities to the town of Milton (House, No. 845) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4688). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Milton,— recreational facilities.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling then reported recommending that the matter be scheduled for consideration by the House, with the amendment pending.

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

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

Subsequently, under suspension of the rules, on motion of Mr. Timilty of Milton, 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, Mr. Pedone of Worcester moved to amend it in section 2, in line 14, by striking out the words "municipal or other public" and inserting in place the words "park or recreational".

The amendment was adopted; and the bill (House, No. 4688, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4687 [Representative Speranzo of Pittsfield, for the committee on Ways and Means, dissents]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Wind projects,— land based.

Wind projects,—land based.

Mr. Kafka of Stoughton, 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 a second reading, with the amendment pending.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Boards of registration,—study.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 303, 312 and 324, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning boards of registration (House, No. 4690).

Judiciary,—study.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, Nos. 1246, 1248, 1249, 1252, 1253, 1254, 1255, 1256, 1257, 1259, 1260, 1261, 1262, 1263, 1264, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1275, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1288, 1289, 1290, 1292, 1293, 1294, 1303, 1306, 1307, 1308, 1309, 1313, 1314, 1322, 1323, 1324, 1325, 1326, 1329, 1336, 1338, 1347, 1348, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1363, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1402, 1403, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1419, 1420, 1421, 1424, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1454, 1456, 1457, 1460, 1461, 1462, 1472, 1483, 1484, 1486, 1487, 1488, 1489, 1490, 1492, 1495, 1497, 1498, 1500, 1503, 1504, 1505, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1520, 1523, 1525, 1526, 1528, 1531, 1532, 1533, 1534, 1535, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1567, 1568, 1569, 1570, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1584, 1585, 1586, 1592, 1593, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1609, 1610, 1611, 1612, 1613, 1615, 1616, 1618, 1619, 1620, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1630, 1632, 1634, 1635, 1636, 1637, 1638, 1639, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1651, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1670, 1671, 1672, 1673, 1674, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1684, 1685, 1686, 1690, 1695, 1697, 1698, 1699, 1701, 1702, 1703, 1705, 1706, 1707, 1708, 1709, 1711, 1715, 1716, 1717, 1719, 1724, 1725, 1726, 1727, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1738, 1739, 1740, 1741, 1749, 1750, 1751, 1752, 1753, 1756, 1757, 1758, 1759, 1760, 1763, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1784, 1785, 1787, 1788, 1789, 1922, 2950, 3518, 3520, 3524, 3525, 3531, 3532, 3624, 3629, 3631, 3770, 3771, 3773, 3774, 3991, 3993, 3994, 3995, 3996, 3997, 3998, 4011, 4012, 4201, 4202 and 4425, an Order relative to authorizing the committee on the Judiciary to make an investigation and

study of certain House documents concerning matters relative to the Judiciary (House, No. 4691).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Binienda of Worcester, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports were considered forthwith; and they were accepted.

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at fourteen minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Stephen R. Fratalia, an employee of the Trial Court, (see House, No. 4576), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

The engrossed Bill amending the town of Yarmouth Home Rule Charter (see House No. 4175, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Id.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Chelmsford to convey certain conservation land and grant certain easements (see Senate, No. 2287, 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.

Chelmsford,—land.

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 lands or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),—yea and nay No. 396.

[See Yeas and Nays No. 396 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 establishing a regional public safety communications and dispatch center in the towns of Cohasset, Hingham, Hull and Norwell (House, No. 4610) (its title having been changed by the

Third reading bill.

committee on Bills in the Third Reading), reported by said committee 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
and resolve.

Authorizing the town of Milton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (Senate, No. 141, amended);

Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043);

Authorizing the town of Carver to divert funds from the conservation fund (Senate, No. 2095);

Relative to the interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2140);

Relative to interest rate to be charged on certain betterment assessments in the town of Wareham (Senate, No. 2141);

Authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143);

Relative to payment of property taxes in the town of Carver (Senate, No. 2145);

Authorizing the granting of easements and the conveyance of certain land in the town of Andover (Senate, No. 2154);

Exempting the position of deputy chief of police in the town of Wakefield from the civil service law (Senate, No. 2230);

Amending the charter of the town of Winchendon (Senate, No. 2333);

Relative to the North Carver water district (Senate, No. 2348);

and

House bills

Relative to the recreational tramway board (House, No. 46);

To ensure secure voting equipment (House, No. 649);

Relative to absentee voting (House, No. 676);

Relative to pre-registration of voters (House, No. 683);

Relative to Title V approval (House, No. 751);

Designating a portion of the Captain William K. Webb Memorial State Park as Marys' Pointe (House, No. 791);

To assist seafood processors (House, No. 901);

Relating to the standard fire insurance policy (House, No. 960);

Relative to continuing education of insurance producers (House, No. 963, changed);

Relating to farmers' market insurance (House, No. 998);

Relative to William J. Higgins, an employee of the town of Nantucket (House, No. 1125);

Relative to the regulation of livery drivers (House, No. 1506);

Relative to the recall of elective officers in the town of North Andover (House, No. 1893);

Relative to property tax exemptions in the town of Ashland (House, No. 1904, changed);

Relative to public access of private restrooms (House, No. 2074);

Requiring police departments to notify school superintendents upon the issuance of felony complaints against students (House, No. 2213);

Further regulating the issuance of firearm identification cards and licenses to carry firearms (House, No. 2229);

Relative to the use of shotguns (House, No. 2232);

For the protection of gaming officials (House, No. 2234);

Regulating uniformed private security firms (House, No. 2272);

Relative to changes of rates and scheduling changes by commuter boats (House, No. 3172);

Naming the state transportation library the George M. Sanborn Library (House, No. 3266);

To exempt the weight of idle reduction systems for commercial vehicles from maximum weight restrictions (House, No. 3334);

Relative to the MBTA's Copley and Science Park Stations (House, No. 3363);

Providing appropriate public safety protections for security system user information (House, No. 3480);

Relative to private swimming pools (House, No. 3927);

Regulating elections in the town of Yarmouth (House, No. 4243);

Relative to land in the town of Plymouth (House, No. 4264);

Relative to easements in the town of Andover (House, No. 4318);

Authorizing the town of Cohasset to grant certain interests in land (House, No. 4322);

To exempt clerical positions in the town of Billerica from civil service (House, No. 4391);

To maintain the integrity of police investigations (House, No. 4392);

Authorizing the town of Belmont to recall elected officials (House, No. 4414);

Concerning the position of police chief in the town of Belmont (House, No. 4416);

Relative to public safety in the city of Holyoke (House, No. 4418);

Dedicating a certain bridge in the town of Westminster to Ryan Patrick Jones (House, No. 4437);

Relative to health insurance coverage for retired employees of the town of Brookline (House, No. 4451);

Relative to the investment powers of the Massachusetts Credit Union Share Insurance Corporation (House, No. 4483);

Authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487); and

Relative to converting four (4) seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises to four (4) annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three (3) seasonal wine and malt beverage licenses to be consumed on the premises to three (3) annual wine and malt beverage licenses to be drunk on the premises (House, No. 4518);

and

The Senate Resolve reviving and continuing the special commission relative to the establishment of a Cranberry Heritage Area (Senate, No. 1876).

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

The Senate Resolve providing for an investigation and study by a special commission relative to reducing the wait time for medical equipment for children with special health care needs (Senate, No. 2319) was read a second time; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

Second
reading
resolve.

The House Bill relative to savings bank life insurance (House, No. 889, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Quorum.

After debate on the question on passing the bill to be engrossed, Mr. Smizik of Brookline asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 397.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 397 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, Ms. Balsler of Newton and other members of the House moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“Section 120 of chapter 175 of General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the final sentence the following text:— All life companies and officers or agents thereof, in establishing rates, benefits and coverages, shall not discriminate on the basis of gender.”

Point of
order.

Mr. Donato of Medford being in the Chair,—
Ms. Haddad of Somerset thereupon raised a point of order that the amendment offered by the lady from Newton, et als, was beyond the scope of the pending bill.

In answer to the point of order, the Chair (Mr. Donato) stated that the bill pending before the House and measures that make up its basis would amend only Chapter 178A, thereby changing the laws pertaining to savings bank life insurance only.

The amendment offered by the lady from Newton would amend Chapter 175, effectively amending insurance laws affecting additional life insurance issued by companies other than the savings bank life insurance corporation and is therefore beyond the scope of the pending bill. The amendment then was laid aside accordingly.

Quorum.

After debate on the question on passing the bill to be engrossed, Mr. Guyer of Dalton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 398.

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

[See Yea and Nay No. 398 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of Ms. Balsler of Newton; and on the roll call 109 members voted in the affirmative and 48 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 399.

[See Yea and Nay No. 399 in Supplement.]

Therefore the bill (House, No. 889, changed) was passed to be engrossed. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to manufacturer rebates and discount programs (House, No. 4320) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4689) [Representative Balsler of Newton, for the committee on Ways and Means, dissents]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Rebates and
discount
programs.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling then reported recommending that the matter be scheduled for consideration by the House, with the amendment pending.

Under suspension of Rule 7A, on motion of Mr. Kafka, 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 motion of Mr. Koutoujian of Waltham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was read a third time.

After remarks on the question on passing the bill to be engrossed, Mr. Lewis of Winchester moved to amend it by adding the following section:

“SECTION 4. The Division of Health Care Finance and Policy in consultation with the Department of Public Health shall conduct an analysis of the impact on health care costs of the use of discounts, rebates, product vouchers or other reductions for prescription drugs. The report shall include, but not be limited to an premiums associated with the group insurance commission, and a comparison of any change in utilization of generic versus brand name prescription drugs. The Division shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on health care financing by no later than March 15, 2013.”

After remarks the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Koutoujian of Waltham; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 400.

[See Yea and Nay No. 400 in Supplement.]

Therefore the bill (House, No. 4689, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Ms. Grant of Beverly then moved that as a mark of respect to the memory of Frances F. Alexander, a member of the House from Beverly from 1983 to 1990, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at ten minutes after five o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.