

Thursday, June 26, 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.

God, Our Creator, in Whom we place our trust, we pause for a moment of personal reflection and prayer at the opening of today's formal legislative session. We turn our attention and thoughts to You for guidance as we organize in our minds our schedule and priorities for the day. For each day we are called upon to address numerous new and difficult legislative and administrative issues. With Your assistance, we hope to select, at all times, the correct, right and fair legislative options which best serve the needs of people and our communities. Help us to unite all people in our changing and diverse neighborhoods in seeking common societal goals which are based on sound reasoning, principles and human and spiritual values.

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

Pledge of allegiance.

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

*Silent Prayer.*

Sergeant Nelson D. Rodriguez Ramirez.

During the session (Mr. Petrolati of Ludlow being in the Chair), at the request of Representatives Reinstein of Revere, DeLeo of Winthrop and O'Flaherty of Chelsea, the members, guests and employees stood in a moment of silent prayer in memory of U.S. Army Sergeant Nelson D. Rodriguez Ramirez of Revere. Sergeant Ramirez, who had been assigned to the 2nd Squadron of the 101st Cavalry, died in the line of duty at the age of twenty-two, while protecting his fellow Americans on June 21, 2008 in Kandahar, Afghanistan.

*Messages from the Governor.*

Topsfield,—  
ballot  
question.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the State Secretary to place the office of selectman on the state election ballot in the town of Topsfield (House, No. 4884) was filed in the office of the Clerk on Wednesday, June 25.

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

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution recommending legislation relative to validating the actions taken at a certain special town meeting in the town of Hopkinton (House, No. 4888) was filed this day in the office of the Clerk.

Hopkinton,—  
town  
meeting.

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.

*Statement Concerning Representative Koczera of New Bedford.*

A statement of Mr. Rogers of Norwood concerning Mr. Koczera of New Bedford, 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 Koczera of New Bedford, will not be present in the House Chamber for today's sitting due to personal family business. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement  
concerning  
Representative  
Koczera of  
New Bedford.

*Statement of Representative Naughton of Clinton.*

A statement of Mr. Naughton of Clinton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House my absence from the House Chamber for a portion of today's sitting due to active military duty, and also for various dates during the months of June and July, due to being on active duty with the United States Army Reserves in Fort Devens, Massachusetts, New York City, New York and Fort Dix, New Jersey. Any roll calls that I may miss today, may have missed during the month of June and may miss in the month of July is due entirely to the reason stated.

Statement of  
Representative  
Naughton of  
Clinton.

*Statement Concerning Representative Stanley of West Newbury.*

A statement of Mr. Rogers of Norwood concerning Ms. Stanley of West Newbury, 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 Stanley of West Newbury, will not be present in the House Chamber for today's sitting due to a family emergency outside of the Commonwealth. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement  
concerning  
Representative  
Stanley of  
West Newbury.

*Statement Concerning Representative Walrath of Stow.*

A statement of Mr. Rogers of Norwood concerning Mrs. Walrath of Stow, 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 Walrath of Stow, will not be present in the House Chamber for today's sitting due to official business outside of the Commonwealth. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement  
concerning  
Representative  
Walrath of  
Stow.

*Orders.*

The following order (filed by Mr. Flynn of Bridgewater) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Bonding,  
Capital  
Expenditures  
and State  
Assets  
committee,—  
extension  
of time for  
reporting.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until Monday, June 30, 2008, within which time to make its final report on current House document numbered 159.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. O'Flaherty of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

The Judiciary  
committee,—  
extension  
of time for  
reporting.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee the Judiciary be granted until Thursday July 17, 2008, the time within which to report on current House documents numbered 500, 1304, 1308, 1311, 1313, 1317, 1318, 1325, 1331, 1332, 1333, 1334, 1335, 1337, 1383, 1388, 1389, 1479, 1532, 1547, 1662, 1672, 1688, 1700, 1718, 1720, 1746, 1749, 3054, 3738, 3865, 3875, 3876, 3877, 3991 and 4476.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. O'Flaherty, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

*Petition.*

Boston,—  
councillors.

Mr. Rush of Boston presented a petition (accompanied by bill, House, No. 4889) of Michael F. Rush (with the approval of the mayor and city council) relative to increasing the number of signatures on nomination petitions for councillor-at-large in the city of Boston; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

*Papers from the Senate.*

Enhanced  
wireless  
services.

A Bill to extend wireless enhanced services (Senate, No. 2773) (on part of Senate bill No. 2716), passed to be engrossed by the Senate, was read.

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill was read a second time forthwith; and it 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, in concurrence, its title having been changed by said committee to read: "An Act extending wireless enhanced services."

A Bill authorizing the commissioner of capital asset management and maintenance and the commissioner of agricultural resources to grant an easement on land in the city of Northampton subject to an agricultural preservation restriction (Senate, No. 2676) (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.

Northampton,—  
agricultural  
preservation.

*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:

Petition (accompanied by bill) of Sean Garballey relative to the age requirement for fire fighters in cities and towns. To the committee on Public Service.

Firefighters,—  
appointment.

Petition (accompanied by bill) of Anthony J. Verga and others that the Registrar of Motor Vehicles be authorized to issue special plates to the surviving spouses of veterans. To the committee on Transportation.

Veterans'  
spouses,—  
plates.

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

By Mrs. Haddad of Somerset, for the committee on Education, on House, Nos. 406 and 451, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning educator quality (House, No. 4885).

Educator  
quality,—  
study.

By Mr. Bradley of Hingham, for the committee on Election Laws, on House, No. 4704, an Order relative to authorizing the committee on Election Laws to make an investigation and study of a certain House document numbered 4704, concerning voter identification in the city of Lawrence (House, No. 4886) [Senator Brown and Representative Frost of Auburn, dissenting].

Lawrence,  
voter  
identification,—  
study.

By Mr. Mariano of Quincy, for the committee on Financial Services, on Senate, No. 258, an Order relative to authorizing the committee on Financial Services to make an investigation and study of a certain Senate document numbered 258, concerning Internet sales (House, No. 4887).

Internet  
sales,—  
study.

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

Subsequently Mr. Scaccia of Boston, 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 severally were considered forthwith; and they were accepted.

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill authorizing the State Secretary to place an election on certain state ballots (House, No. 4865). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Southern  
Berkshire  
School  
District.

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

Vehicle repairs,—  
consumer protection.

A report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 296) of Vincent A. Pedone and others for legislation to protect the rights of consumers in motor vehicle repair transactions, was considered forthwith, under suspension of the rules, on motion of Mr. Pedone of Worcester.

Pending the question on acceptance of the report the petition was recommitted to the committee on Consumer Protection and Professional Licensure, on further motion of the same member.

Subsequently Mr. Rodrigues of Westport, for said committee, on the foregoing recommitted petition, reported, a Bill relative to the diagnosis, service and repair of motor vehicles in the Commonwealth (House, No. 4892). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Bus stops,—  
illegal parking.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, that the Bill relative to illegal parking in bus stops (House, No. 4314) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4891). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment (House, No. 4524) previously recommended by the committee on Ways and Means and the amendment (House, No. 4891) pending.

Shannon Crouse,—  
sick leave.

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill establishing a sick leave bank for Shannon Crouse, an employee of the District Court of Southern Berkshire (House, No. 4866).

Braintree,—  
deleading.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill exempting certain properties in the town of Braintree from the deleading laws (House, No. 4238) [Local Approval Received].

Amesbury,—  
eminent domain.

By the same member, for the same committee, on a petition, a Bill to limit use of eminent domain in the city of Amesbury (House, No. 4583) [Local Approval Received].

Sudbury,—  
recovery insurance.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sudbury to use certain insurance or recovery proceeds (House, No. 4835) [Local Approval Received].

Adams Fire District.

By the same member, for the same committee, on a petition, a Bill authorizing the expansion of the Adams Fire District (House, No. 4845).

Bridgewater,—  
capital projects.

By the same member, for the same committee, on a petition, a Bill authorizing certain appropriations from the town of Bridgewater's capital projects fund (House, No. 4848) [Local Approval Received].

By the same member, for the same committee, on House, No. 4753, a Bill relative to the rental of pets (House, No. 4893). Pets,—  
rental.

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

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to harbormaster training certification (Senate, No. 509, changed and amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4791. Placed in the Orders of the Day for the next sitting for a second reading, with the amendment pending. Harbormaster  
training.

*Emergency Measure.*

The engrossed Bill providing the terms of certain bonds to be issued by the Commonwealth to finance improvements to the Commonwealth's transportation system (see House bill printed in House, No. 4698), 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. Transportation  
bonds.

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 Bills.*

Engrossed bills

Authorizing the town of Orange to establish a firearms licensing fund (see House, No. 4278); and Bills  
enacted.

Authorizing the establishment of a firearms licensing fund in the town of Goshen (see House, No. 4400, changed);

(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.

*Orders of the Day.*

Senate bills

Designating a certain portion of sandy beach in the town of Winchester as the Senator Charles E. Shannon, Jr. Memorial Beach (Senate, No. 2475); and Third  
reading  
bills.

Relative to the Kasabuski Rink in the town of Saugus (Senate, No. 2625);

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

Third reading bills.

Relative to the long term care career ladder grant program (House, No. 613) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the supervision of limited purpose trust companies by the Commissioner of Banks (House, No. 965) (its title having been changed by the committee on Bills in the Third Reading);

Relative to certain banking laws (House, No. 1044) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the operation of credit unions (House, No. 1068) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the management of banks (House, No. 1082) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the transporting of deceased persons (House, No. 2278);

Relative to issuing a license to carry firearms to law enforcement officers (House, No. 2285);

Relative to disability placards (printed in House, No. 4220);

Relative to real property tax deferrals in the town of Lexington (House, No. 4262);

Relative to the terms of certain bonds of the city of Revere to be issued to finance the construction of the city of Revere new police headquarters and east fire station (House, No. 4555);

Establishing a board of water and sewer commissioners in the town of Plainville (House, No. 4685);

Relative to interior designers bidding on state contracts (House, No. 4731) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the granting of an easement by the town of Sharon (printed in House, No. 4738);

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. Severally sent to the Senate for concurrence.

Third reading bill amended.

The House Bill relative to bank branches (House, No. 962) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be amended in section 2, in line 3, by striking out the word "may" and inserting in place thereof the word "shall".

The amendment was adopted; and the bill (House, No. 962, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Second reading bill engrossed.

The House Bill designating a certain bridge in the towns of Marshfield and Scituate as the Francis R. Powers Memorial Bridge (House, No. 4809) was read a second time; and it was ordered to a third reading.

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

## Senate bills

Relative to educational expenditures in the town of Milton (Senate, No. 2486);

Establishing a special reserve fund in the town of Sunderland (Senate, No. 2686); and

Directing the Registrar of Motor Vehicles to transfer a certain distinctive registration plate (Senate, No. 2757); and

## House bills

Relating to medical malpractice liability of health professionals in emergency response (House, No. 1013);

Relating to spectating at or creating depictions of animal fighting or cruelty (House, No. 1527);

Relative to the penalties for aiding or being present at an exhibition of fighting animals (House, No. 1529);

Relative to nursing mothers (House, No. 1568);

Granting discretion to the Superior Court to allocate certain settlement proceeds (House, No. 1622);

To prohibit the use of certain liability waivers as against public policy (House, No. 1625);

Relative to non discrimination training in the workplace (House, No. 1837);

Relating to police auctions (House, No. 1981, changed);

Relative to patient's rights (House, No. 2262);

Relative to the voluntary closure of long term care facilities (House, No. 2267);

Providing protection for the rivers in the Commonwealth (House, No. 3852);

Relative to the Groton Country Club Authority (House, No. 4008);

Relative to the designation of a certain bridge in the town of Falmouth the Raleigh D. Costa Memorial Bridge (House, No. 4435);

Validating a certain election in the town of Medway (printed in House, No. 4545);

Relative to blood donation (House, No. 4547);

Relative to certain affordable housing in the city of Boston (House, No. 4710);

Promoting fairness in private construction contracts (House, No. 4730);

Authorizing the town of Belmont to place a certain question relative to the granting of a club license for the sale of alcoholic beverages in the town of Belmont (House, No. 4757);

Relative to affordable housing in the town of Chelmsford (House, No. 4758);

Authorizing the town of Wayland to establish a department of public works (House, No. 4759);

Relative to the historical commission of the town of Lincoln (House, No. 4760);

Authorizing the appointment of retired police officers as special police officers in the town of Norwood (House, No. 4763);

Relative to mercury management (House, No. 4773);

Regulating notaries public to protect consumers from fraud and other abuses (House, No. 4774);

Second  
reading  
bills.

Second reading bills.

Establish a sick leave bank for Mary Mercurio, an employee of the Department of Social Services (House, No. 4868); and

Establishing a sick leave bank for Sarah Carmichael, an employee of the Department of Youth Services (House, No. 4882);

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

Second reading resolve amended.

The House Resolve reviving and continuing the special commission on middle education in the Commonwealth (House, No. 3775) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the resolve be amended by substitution of a resolve with the same title (House, No. 4800),— was adopted.

The substituted resolve then was ordered to a third reading.

Id.

The House Resolve establishing a special commission relative to tick borne illness (House, No. 4201) was considered, the main question being on ordering the resolve to a third reading.

The amendment previously recommended by the committee on Ways and Means,— that the resolve be amended by substitution of a Resolve relative to tick borne illness (House, No. 4802),— was adopted.

The substituted resolve then was ordered to a third reading.

Second reading bill amended.

The Senate Bill relative to vehicle license cost recovery fees (Senate, No. 2416) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4792,— was adopted.

The bill (Senate, No. 2416, amended) then was ordered to a third reading.

Id.

The House Bill establishing a nursing facility conversion pilot program (House, No. 608) was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a Bill establishing a nursing facility conversion program (House, No. 4766),— was adopted.

The substituted bill then was ordered to a third reading.

Id.

The House Bill relative to hospital and clinic medical record retention (House, No. 2179) was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4767),— was adopted.

The substituted bill then was ordered to a third reading.

Id.

The House Bill to provide employees at state and community colleges holding special state police officer powers with line of duty death benefits (House, No. 2550) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4797),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to cooperative purchasing agreements (House, No. 3198) was read a second time.

Second reading  
bill amended.

The amendment previously recommended by the committee on State Administration and Regulatory Oversight,— that the bill be amended by substitution of a Bill relative to out-of-state collective purchasing by Massachusetts education collaboratives formed pursuant to M.G.L.C. 40, Section 4E (House, No. 4810),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill designating architect emeritus status (House, No. 4229) was read a second time. Id.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4803),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to discharging sewage from marine vessels into waters of the Commonwealth designated as no discharge areas (House, No. 4336) was read a second time. Id.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4805),— was adopted.

The substituted bill then was ordered to a third reading.

#### *Recess.*

At seventeen minutes before twelve o'clock noon, on motion of Mr. Kulik of Worthington (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair. Recess.

#### *Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Hanson to convey a conservation restriction to the Department of Fish and Game (see House, No. 4740) (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. Hanson,—  
conservation  
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 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 151 members voted in the affirmative and 0 in the negative. Bill enacted  
(land taking),—  
yea and nay  
No. 391.

#### **[See Yea and Nay No. 391 in Supplement.]**

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

*Emergency Measure.*

Westfield,—  
land.

The engrossed Bill authorizing the city of Westfield to convey a conservation restriction to the Department of Fish and Game (see Senate, No. 2674, 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 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 Senate) was put upon its final passage.

Bill enacted  
(land taking),—  
yea and nay  
No. 392.

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

**[See Yea and Nay No. 392 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.*

IT Board  
advisors.

The House Bill relative to the Information Technology Advisory Board (House, No. 348) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Bosley of North Adams moved that it be amended in line 4 by striking out the figures "11" and inserting in place thereof the figures "12" and in line 6 by inserting after the word "court" the words "the chief information officer of the general court".

The amendments were adopted; and the bill (House, No. 348, amended) was ordered to a third reading.

Seafood  
marketing.

The House Bill relative to a special commission on seafood marketing (House, No. 777, changed) was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4794),— was adopted.

The substituted bill then 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 committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "Resolve relative to a special commission on seafood marketing.". Sent to the Senate for concurrence.

Haverhill  
and Boxford,—  
land.

The House Bill authorizing the sale of certain land by the city of Haverhill in the town of Boxford (House, No. 4599) was read a third time.

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

Pending the question on passing the bill to be engrossed, Mr. Dempsey of Haverhill moved to amend it by substitution of a bill with the same title (House, No. 4890), which was read. The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The motion of Ms. Rogeness of Longmeadow,— that the vote be reconsidered by which the House, on Tuesday, June 24, passed to be engrossed the House Bill increasing coverage of nonprescription enteral formulas (House, No. 925),— was negated.

Enteral  
formulas.

A report of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4373) of the Senate Bill to generate renewable energy and efficiency now (Senate, No. 2468), recommending the passage of a Bill relative to green communities (Senate, No. 2768), having been accepted by the Senate, was considered.

Green  
communities  
energy.

After remarks on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Conference  
committee  
report  
accepted,—  
yea and nay  
No. 393.

**[See Yea and Nay No. 393 in Supplement.]**

Therefore the report of the committee of conference was accepted, in concurrence.

*Recess.*

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

Recess.

*Emergency Measure.*

The engrossed Bill relative to green communities (see Senate, No. 2768), 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.

Green  
renewable  
energy.

Pending the question on adoption of the emergency preamble, Mr. Miceli of Wilmington moved that Rule 40 be suspended.

After debate, the motion to suspend Rule 40 was negated, by a vote of 6 to 14.

On the question on adoption of 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 15 to 0. Sent to the Senate for concurrence.

Green  
renewable  
energy.

Bill enacted,—  
yea and nay  
No. 394.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) 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, at the request of Mr. Dempsey of Haverhill; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 394 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.*

Mental  
health  
parity.

The House Bill relative to mental health parity (House, No. 4423) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Mariano of Quincy and other members of the House moved to amend it as follows:

In section 1, after line 11, by inserting the following paragraph:

“‘Mental disorders and substance abuse’, does not include (1) mental retardation, (2) learning disorders, (3) motor skills disorders, (4) communication disorders, (5) caffeine-related disorders, (6) relational problems, (7) mental disorders classified as ‘V’ codes, and (8) additional conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders.”;

In said section 1 by striking out the paragraph contained in lines 17 to 24, inclusive, and inserting in place thereof the following paragraph:

“(b) The commission shall provide health plans to any active or retired employee of the Commonwealth insured under the commission that includes nondiscriminatory coverage for the diagnosis and medically necessary and active evidence-based treatment of mental disorders and substance abuse.”;

In said section 1 by striking out the paragraph contained in lines 60 to 64, inclusive, and inserting in place thereof the following paragraph:

“(f) Determinations that services provided under this section are not medically necessary may be made only by licensed mental health professionals. This subsection shall not apply to denials due to the insured’s lack of insurance coverage or use of a facility or professional that has not entered into a negotiated agreement with the insurer.”;

In said section 1, in line 67, by inserting after the word “section” the words “, including but not limited to the use of provider networks, case management, utilization review techniques prior authorization, copayments, or other cost-sharing arrangements”;

In section 2, after line 10, by inserting the following paragraph:

“‘Mental disorders and substance abuse’ does not include (1) mental retardation, (2) learning disorders, (3) motor skills disorders, (4) communication disorders, (5) caffeine-related disorders, (6) relational problems, (7) mental disorders classified as ‘V’ codes,

and (8) additional conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.”;

In said section 2 by striking out the paragraph contained in lines 16 to 29, inclusive, and inserting in place thereof the following paragraph:

“(b) Any individual policy of accident and sickness insurance issued under section 108 that provides hospital expense and surgical expense insurance, and any group blanket or general policy of accident and sickness insurance issued under section 110 that provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall provide to residents of the commonwealth and to all policy holders having a principal place of employment in the commonwealth nondiscriminatory coverage for the diagnosis and medically necessary and active evidence-based treatment of mental disorders and substance abuse.”;

In said section 2 by striking out the paragraph contained in lines 65 to 69, inclusive, and inserting in place thereof the following paragraph:

“(f) Determinations that services provided under this section are not medically necessary may be made only by licensed mental health professionals. This subsection shall not apply to denials due to the insured's lack of insurance coverage or use of a facility or professional that has not entered into a negotiated agreement with the insurer.”;

In said section 2, in line 72, by inserting after the word “section” the words “, including but not limited to the use of provider networks, case management, utilization review techniques, prior authorization, copayments or other cost-sharing arrangements”;

In section 4, after line 10, by inserting the following paragraph:

“‘Mental disorders and substance abuse’, does not include (1) mental retardation, (2) learning disorders, (3) motor skills disorders, (4) communication disorders, (5) caffeine-related disorders, (6) relational problems, (7) mental disorders classified as ‘V’ codes, and (8) additional conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.”;

In said section 4, in lines 16 to 26, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(b) Any contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the Commonwealth shall provide to residents of the Commonwealth and to all individual subscribers and members and group members having a principal place of employment in the Commonwealth nondiscriminatory coverage for the diagnosis and medically necessary and active evidence-based treatment of mental disorders and substance abuse.”;

In said section 4 by striking out the paragraph contained in line 61 to 65, inclusive, and inserting in place thereof the following paragraph:

Mental  
health  
parity.

“(f) Determinations that services provided under this section are not medically necessary may be made only by licensed mental health professionals. This subsection shall not apply to denials due to the insured’s lack of insurance coverage or use of a facility or professional that has not entered into a negotiated agreement with the hospital service corporation.”;

In said section 4, in line 68, by inserting after the word “section” the words “, including but not limited to the use of provider networks, case management, utilization review techniques prior authorization, copayments, or other cost-sharing arrangements”;

In section 6, after line 10, by inserting the following paragraph:

“‘Mental disorders and substance abuse’, does not include (1) mental retardation, (2) learning disorders, (3) motor skills disorders, (4) communication disorders, (5) caffeine-related disorders, (6) relational problems, (7) mental disorders classified as ‘V’ codes, and (8) additional conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders.”;

In said section 6 by striking out the paragraph contained in lines 16 to 26, inclusive, and inserting in place thereof the following paragraph:

“(b) Any subscription certificate under an individual or group medical service agreement which is issued or renewed within or without the commonwealth shall provide to residents of the commonwealth and to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment in the commonwealth nondiscriminatory coverage for the diagnosis and medically necessary and active evidence-based treatment of mental disorders and substance abuse.”;

In said section 6 by striking out the paragraph contained in lines 62 to 66, inclusive, and inserting in place thereof the following paragraph:

“(f) Determinations that services provided under this section are not medically necessary may be made only by licensed mental health professionals. This subsection shall not apply to denials due to the insured’s lack of insurance coverage or use of a facility or professional that has not entered into a negotiated agreement with the medical service corporation.”;

In said section 6, in line 69, by inserting after the word “section” the words “, including but not limited to the use of provider networks, case management, utilization review techniques prior authorization, copayments, or other cost-sharing arrangements”;

In section 9, after line 10, by inserting the following paragraph:

“‘Mental disorders and substance abuse’, does not include (1) mental retardation, (2) learning disorders, (3) motor skills disorders, (4) communication disorders, (5) caffeine-related disorders, (6) relational problems, (7) mental disorders classified as ‘V’ codes, and (8) additional conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders.”;

In said section 9 by striking out the paragraph contained in lines 16 to 24, inclusive, and inserting in place thereof the following paragraph:

“(b) A health maintenance contract issued or renewed within or without the Commonwealth shall provide to residents of the Commonwealth and to all members or enrollees having a principal place of employment in the Commonwealth nondiscriminatory coverage for the diagnosis and medically necessary and active evidence-based treatment of mental disorders and substance abuse.”;

In said section 9 by striking out the paragraph contained in lines 61 to 65, inclusive, and inserting in place thereof the following paragraph:

“(f) Determinations that services provided under this section are not medically necessary may be made only by licensed mental health professionals. This subsection shall not apply to denials due to the insured’s lack of insurance coverage or use of a facility or professional that has not entered into a negotiated agreement with the health maintenance organization.”;

In said section 9, in line 68, by inserting after the word “section” the words “, including but not limited to the use of provider networks, case management, utilization review techniques prior authorization, copayments, or other cost-sharing arrangements”;

By striking out section 12 and inserting in place thereof the following two sections:

“SECTION 12. Subsection (a) of section 14 of chapter 1760 of the General Laws is hereby amended by inserting in line 21 after the word ‘contract’ the following new text:— ; provided however, that with respect to outpatient mental health services, the standard of review shall be whether the requested treatment of services is consistent with the carrier’s clinical guidelines, as filed with the office of patient protection, and a covered benefit under the policy or contract.

SECTION 13. This act shall take effect on July 1, 2009.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Mariano of Quincy; and on the roll call (Mr. Donato of Medford being in the Chair) 40 members voted in the affirmative and 110 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 395.

**[See Yea and Nay No. 395 in Supplement.]**

[Mr. Aguiar of Fall River answered “Present” in response to his name.]

Therefore the amendments were rejected.

The bill (House, No. 4423) then was ordered to a third reading.

*Emergency Measure.*

The engrossed Bill extending wireless enhanced services (see Senate, No. 2773), 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.

911 wireless  
service.

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

*Engrossed Bills.*

Engrossed bills

Bills  
enacted.

Relative to interior designers bidding on state contracts (see Senate, No. 2625) (which originated in the Senate);

Exempting certain positions in the town of Hull from the civil service law (see House, No. 4219); and

Authorizing the city of Haverhill to borrow funds for the purpose of financing the purchase of school department text books (see House, No. 4761);

(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.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

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

Mr. Hill of Ipswich then moved that as a mark of respect to the memory of James D. Colt, a member of the House from Wenham in 1995 and 1996, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes after five o'clock P.M., on motion of Mr. Flynn of Bridgewater (Mr. Donato of Medford being in the Chair), the House adjourned to meet on Monday next at eleven o'clock A.M.