

## JOURNAL OF THE HOUSE.

Wednesday, July 14, 2010.

Met at nine minutes after one o'clock P.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Ever-present God in Whom we place our trust and hope, we begin today's formal legislative session with the intention of addressing the items which come before us in a carefully reasoned and honorable manner. In our diverse society, help us to be good and patient listeners as we examine the day's legislative proposals. When there are issues of disagreement on principles, goals and values, teach us to respect the opinions, rights and the dignity of all as we dialogue together on legislative matters. We pray for the courage and good sense to remain faithful to our own philosophical principles and religious beliefs. Help us to be grateful for our privileges as citizens, mindful of our obligations and duties as elected officials and open to You and Your ways and commandments in our daily living.

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

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

### *Statement Concerning Representative DiNatale of Fitchburg.*

A statement of Mr. Vallee of Franklin concerning Mr. DiNatale of Fitchburg 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 DiNatale of Fitchburg, was unable to be present in the House Chamber for today's sitting due to an emergency medical procedure. Had he been present for the taking of yeas and nay number 439, on passing to be engrossed the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, amended), he would have voted in the negative. Had he been present for the taking of yeas and nay number 441, on accepting a report of the committee of conference relative to municipal relief (House, No. 4877), he would have voted in the affirmative. His missing of roll calls today is due entirely to the reason stated.

### *Petitions.*

By Ms. Benson of Lunenburg, a petition (accompanied by bill House, No. 4885) of Jennifer E. Benson and James B. Eldridge (by vote of the town) for legislation relative to authorizing the town of Shirley to lease a certain parcel of land for agricultural purposes; and

Hopkinton,—  
public  
works.

By Representative Dykema of Holliston and Senator Spilka, a joint petition (accompanied by bill House, No. 4882) of Carolyn Dykema and Karen E. Spilka (by vote of the town) that the public works department in the town of Hopkinton be abolished.  
Severally to the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

*Paper from the Senate.*

Lunenburg,—  
sewer  
service.

The House Bill relative to the sewer service area for the town of Lunenburg (House, No. 4561) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2529.

Under suspension of Rule 35, on motion of Mr. Barrows of Mansfield, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

*Bills*

Auto body  
labor  
rates.

Relative to auto body labor rates (Senate, No. 122, amended in line 28 by inserting after the word "states," the following sentence "The average national auto repair hourly compensation rate shall apply only to the rate charged to automobile insurers by auto repair shops.") (on Senate, No. 122 and House, Nos. 929 and 1043);

Developmental  
treatments.

Relative to level IV treatment interventions (Senate, No. 2540) (on Senate bill No. 45); and

Life insurers.

Relative to compliance with reserve requirements for life insurers (Senate, No. 2542) (on Senate bill No. 497); and

Behavioral  
modification.

The Senate Resolve providing for a special commission on behavior modification (Senate, No. 2541) (on Senate bill No. 46).

Severally, passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

*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 following petitions:

David  
Peets,—  
sick leave.

Petition (accompanied by bill) of Harold P. Naughton, Jr., for legislation to establish a sick leave bank for David A. Peets, an employee of the Department of Correction. To the committee on Public Service.

Veterans,—  
tax  
abatements.

Petition (accompanied by bill) of A. Stephen Tobin for legislation to further regulate the granting of real estate tax abatements for certain veterans. To the committee on Revenue.

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

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, on a message from the Governor, a Bill relative to providing the terms of certain bonds and notes to be issued by the Commonwealth (printed in House, No. 4869), which was read.

Bonds and  
notes,—  
terms.

Under suspension of the rules, on motion of Mr. Cabral of New Bedford, 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. Sent to the Senate for concurrence.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to the estate of homestead (Senate No. 2406) 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 4878. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Estate of  
homestead.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

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 (Senate, No. 2406, amended) was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate No. 2449) 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 4881. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Water  
storage  
facilities.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

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 (Senate, No. 2449, amended) was ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill regarding the preparation of certain ballots in the city of Boston (House, No. 3665) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4880). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Boston,—  
ballots.

Boston,—  
ballots.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of Mr. Basile of Boston, 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.

Prescription  
monitoring.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the enhancement of the prescription monitoring program (House, No. 4478) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4879). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments previously recommended by the committees on Health Care Financing and Ways and Means pending.

Boston,—  
easements.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill authorizing the city of Boston to grant permanent volumetric easements related to vertical transportation improvements over certain parcels of land in the city of Boston (House, No. 4806) be scheduled for consideration by the House.

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

*Engrossed Bills.*

Bills  
enacted.

Engrossed bills  
Relative to Savings Bank Life Insurance (see House, No. 889, amended); and  
Requiring engine coolant and antifreeze to contain a bittering agent so as to rend it unpalatable (see House, No. 4285);  
(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 Discharge a Certain Matter  
from the Orders of the Day.*

Wind projects,—  
land based.

The Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, amended), was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Finegold of Andover.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Peake of Provincetown and other members moved to amend it by adding the following two sections:

“SECTION 15. There is hereby established a special commission to consist of 2 members of the senate, 1 of whom shall be appointed by the senate president and one of whom shall be appointed by the senate minority leader, 2 members of the house of representatives, 1 of whom shall be appointed by the Speaker and one of whom shall be appointed by the minority leader, the secretary of energy and

environmental affairs or his designee, the secretary of administration and finance or his designee, and 1 person to be appointed by the governor, for the purpose of making investigation and study relative to: (1) reviewing the economic impact of long term wind energy projects in other states; (2) the health and environmental impacts, if any, of existing wind energy projects both in the Commonwealth and across the United States; and (3) conducting a cost benefit analysis of said projects. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerk of the senate and the clerk of the house of representatives on or before July 31, 2011.

SECTION 16. This act shall not take effect until the provisions of section 15 are filed with the clerk of the senate and the clerk of the house of representatives and accepted by the general court.”

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. Peterson of Grafton; and on the roll call 54 members voted in the affirmative and 99 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 438.

**[See Yea and Nay No. 438 in Supplement.]**

Therefore the amendment was rejected.

Mr. Finegold of Andover then moved, there being no objection, to amend the bill in section 1 (as printed), in line 3, by striking out the word “division” and inserting in place thereof (both times it appears) the word “department”;

By striking out section 2 (as printed);

In section 3, in lines 40, 69, 86, 88, 101, 108, 114, 117, 120, 121, 124, 139, 142, 146, 147, 153, 155, 180, 182, 189, 193, 198, 207, 210, 219, 221, 223, 242, 244 and 250; and also in section 4, in line 417, by striking out the word “division” and inserting in place thereof, in each instance, the words “energy facilities siting board”;

In section 3, in line 10, in section 4, in lines 326, 327, 328, 367, 369 and 419, and also in section 14, in line 474, by striking out the following “25A” and inserting in place thereof, in each instance, the figures “164”;

In section 3, in line 12, by striking out the figures “16” and inserting in place thereof the following “69T”;

In section 3, in lines 12, 40, 93, 100, 105, 150, 159, 187, 216, 255 and 257, in section 4, in lines 326, 328, 366 and 369, in section 11, in line 464, and also in section 14, in line 474, by striking the figures “17” and inserting in place thereof, in each instance the following “69U”;

In section 3, in lines 12 and 255, and also in section 14, in line 474, by striking out the figures “19” and inserting in place thereof, in instance, the following “69W”;

In section 3, in line 14, by striking out the definition of “Division”;

In section 3, in lines 15, 45 (as changed by the committee on Bills in the Third Reading), 90, 255 and 257, in section 4, in lines 327 and 419, and also in section 11, in line 464, by striking out the figures “18” and inserting in place thereof the following “69V”;

In section 3, in line 40, by striking out the word “department.” and inserting in place thereof the words “secretary of the executive office of energy and environmental affairs”;

Wind projects,—  
land based.

In section 3, in line 50, by striking out the words “or state” and inserting in place thereof the words “state, or regional”;

In section 3, in line 68, by striking out the words “director of the division shall appoint” and inserting in place thereof the words “energy facilities siting board shall empanel”;

In section 3, in line 69, by inserting after the word “standards” the words “under the direction of the chairperson of the board”;

In section 3, in line 85, by striking out the words “director of the division” and inserting in place thereof the word “chairperson”;

In section 3, in line 85, by striking out the word “director”, the second time it appears, and inserting in place thereof the word “chairperson”;

In section 3, in line 88, by striking out the words “, in consultation with the department”;

In section 3, in line 142 by striking out the figures “60” and inserting in place thereof the figures “45”;

In section 3, in line 188 by inserting after the word “boards” the words “or regional planning agencies with regulatory authority”;

In section 3, in line 191, by inserting after the following “(h)” the words “Notwithstanding the provisions of any other law to the contrary.”;

In section 3, in line 212, by striking out the words “modify conditions” and inserting in place thereof the words “strengthen conditions imposed by the wind energy permitting board”;

In section 3, in lines 225, 226 and 227, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

“(k) Approval by the energy facilities siting board pursuant to this section shall not authorize the applicant to commence construction unless and until the applicant obtains a building permit.”;

In section 3, in lines 228 to 241, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

“(l) The regulations promulgated pursuant to section 69U shall include clear and concise application requirements, including but not limited to, pre-application survey requirements developed by the energy facilities siting board in consultation with the department of fish and game and the department of environmental protection, and may provide for pre-application consultation and site visits. No application shall be considered complete until surveys, if required, are determined by the department of fish and game or the department of environmental protection to be complete. Sufficient data shall be required from the applicant by these regulations to enable the energy facilities siting board to determine whether the facility meets the standards established under section 69U and if it does not, whether it meets the standards set forth in subsection (g).”;

In section 3, in lines 250, 251 and 252, by striking out the following “may appeal therefrom to the superior court department of the trial court, pursuant to the provisions of section 14 of chapter 30A. The decision of the superior court or justice shall be final” and inserting in place thereof the following “shall have a right to judicial review in the manner provided by section 5 of chapter 25. The scope

of such judicial review shall be limited to whether the decision of the energy facilities siting board conforms with the constitutions of the commonwealth and the United States, was made in accordance with the procedures and application of standards established under sections 69U and 69V, and with the rules and regulations of the board with respect to such provisions, was supported by substantial evidence in the record of the board’s proceedings and was arbitrary, capricious or an abuse of the board’s discretion”;

In section 3, in line 257, by striking out the following “of chapter 164”;

In section 4, in line 265, by striking out the definition of “division” (as changed by the committee on Bills in the Third Reading);

In section 4, in line 303, by striking out the word “division” and inserting in place thereof the word “department”;

In section 4, in line 332 by striking out the word “an” and inserting in place thereof the word “any”;

In section 4, in line 417, by inserting after the word “board” (inserted by amendment), the first time it appears, the words “and this appeal shall be the exclusive means of review of such decisions of a wind energy permitting board or a regional planning agency”;

In section 4, in lines 419 to 422, inclusive, by striking out the following two sentences “Any interested party aggrieved by a decision of the division under this section may appeal therefrom to the superior court department of the trial court, pursuant to the provisions of section 14 of chapter 30A. The decision of the superior court or justice shall be final.”;

In section 4, in lines 423 to 426, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

“An appeal of a decision of the wind energy permitting board denying a permit or granting a permit with conditions, brought by the applicant or by any other proponent of a wind energy facility shall be filed with superior court or the permit session of the land court under section 3A of chapter 185 within 30 days of the filing of the decision with the city or town clerk and this appeal shall be the exclusive means of review of such decisions of a wind energy permitting board. The court shall hear all evidence pertinent to the authority of the wind energy permitting board and determine the facts, and, upon the facts so determined, annul such decision if found to exceed the authority of the wind energy permitting board or make such other decree as justice and equity may require. An appeal brought by the applicant or by any other proponent of a wind energy facility of a decision of a regional planning agency denying a permit or granting a permit with conditions shall be governed by the enabling statute of the applicable regional planning agency and this appeal shall be the exclusive means of review of such decisions of a regional planning agency.”

In section 4, in lines 427 through 431, inclusive, by striking out the paragraph in those lines (as changed by the committee on Bills in the Third Reading) and inserting in place thereof the following paragraph:

Wind projects,—  
land based.

“(n) The energy facilities siting board, the wind energy permitting board issuing the permit or municipality in which a wind energy project is to be developed may move to revoke any permit or authorization given to a wind energy facility under this chapter if the person or entity holding the permit fails to perform as prescribed by the permit.”;

By inserting after section 4 the following section:

“SECTION 4A. Section 69H of chapter 164, as so appearing, is hereby amended by striking the first two paragraphs and inserting in place thereof the following two paragraphs:—

Section 69H. There is hereby established an energy facilities siting board within the department, but not under the supervision or control of the department. Said board shall implement the provisions contained in sections 69H to 69Q, inclusive, so as to provide a reliable energy supply for the commonwealth with a minimum impact on the environment at the lowest possible cost. To accomplish this, the board shall review the need for, cost of, and environmental impacts of transmission lines, natural gas pipelines, facilities for the manufacture and storage of gas, and oil facilities; provided, however, that the board shall review only the environmental impacts of generating facilities, consistent with the commonwealth’s policy of allowing market forces to determine the need for and cost of such facilities. Such reviews shall be conducted consistent with section 69J¼ for generating facilities and with section 69J for all other facilities. Said board shall also implement the provisions contained in sections 69U and 69V, so as to provide for the development of clean, renewable, electric generating plants and ancillary facilities powered by wind, sited in appropriate locations based on clear, predictable and protective environmental, cultural and historic resource standards.

The board shall be composed of the secretary of energy and environmental affairs, who shall serve as chairman, the secretary of housing and economic development, the commissioner of the department of environmental protection, the commissioner of the department of fish and game, the commissioner of the division of energy resources, 2 commissioners of the commonwealth utilities commission, or the designees of any of the foregoing, and 4 public members to be appointed by the governor for a term coterminous with that of the governor, 1 of whom shall be experienced in environmental issues, 1 of whom shall be experienced in labor issues, 1 of whom shall be a municipal official with experience in land use planning, and 1 of whom shall be experienced in energy issues; provided, however that the commissioner of the department of fish and game and the public member who is a municipal official with experience in land use planning shall only be present and serve as members of the board for the implementation, administration and enforcement of sections 69U and 69V, and shall not be present and serve as members of the board for the implementation, administration and enforcement of sections 69H to 69Q, inclusive. The board shall not include as a public member any person who receives, or who has received during the past two years a significant portion of his or her income directly or indirectly from the developer of an energy facility or an electric, gas or oil company. The public members shall serve on a part-time basis, receive \$100 per diem of board service, and

shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of official board duties. Upon the resignation of any public member, a successor shall be appointed in a like manner for the unexpired portion of the term. No person shall be appointed to serve more than two consecutive full terms.”;

In section 11, in line 463 and 464, by striking out the words “division of wind energy siting” (as printed) and inserting in place thereof the words “energy facilities siting board”; and

In section 11, in line 464, by striking out the following “25D” and inserting in place thereof the figures “164”.

The amendments were adopted.

After debate 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 Mr. Peterson of Grafton; and on the roll call 101 members voted in the affirmative and 52 in the negative.

**[See Ye and Nay No. 439 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed, in concurrence (for House text, as amended, see House document numbered 4886, published as amended). The bill (Senate, No. 2260, amended) then was sent to the Senate for concurrence in the House amendment.

Bill passed to  
be engrossed,—  
yea and nay  
No. 439.

#### *Orders of the Day.*

##### Senate bills

Relative to police appointments in the town of Dudley (Senate, No. 1146) (its title having been changed by the committee on Bills in the Third Reading);

Third  
reading  
bills.

Authorizing a certain question relative to a charter revision in the town of Palmer to be placed on the state election ballot (Senate, No. 2352); and

Establishing a sick leave bank for James E. Munchbach, an employee of the Trial Court (Senate, No. 2413);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed, in concurrence.

##### House bills

Relative to public access of private restrooms (House, No. 2074);  
Relative to the Citizens Advisory Board on Uses of the Rumney Marsh Area (House, No. 4431) (its title having been changed by the committee on Bills in the Third Reading);

Id.

Authorizing the relocation and replacement of a water line under the Saugus River (House, No. 4432, amended) (its title having been changed by the committee on Bills in the Third Reading);

Providing for the leasing and construction of improvements to the North Branch Library and East Branch Library Buildings in the town of Watertown (House, No. 4667);

Directing the State Secretary to place the office of selectmen on the state election ballot in the town of Mendon (House, No. 4849) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for John K. Ryan, an employee of the office of the Inspector General (House, No. 4866);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and passed to be engrossed. Severally sent to the Senate for concurrence.

Second reading bills.

The Senate Bill authorizing the town of Hubbardston to send certain information to voters relative to ballot questions (Senate, No. 2090, amended); and

House bills

To protect farm viability (House, No. 3477);

Establishing a post employment benefits trust fund in the town of Wayland (House, No. 4319); and

Authorizing the town of Lee to grant retirement benefits to Stanley Daoust (House, No. 4709);

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

Tanning facilities.

The Senate Bill further regulating tanning facilities (Senate, No. 2339), 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, Mr. Pedone of Worcester moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4884.

The amendment was adopted; and the bill (Senate, No. 2339, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Wareham,—liquor licenses.

The Senate Bill authorizing the town of Wareham to issue 8 additional liquor licenses (Senate, No. 2520) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Pedone of Worcester moved to amend it in section 1, in line 2, by striking out the following "8 licenses to".

The amendment was adopted; and the bill (Senate, No. 2520, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Dartmouth,—Lincoln Park improvement district.

The House Bill creating the Lincoln Park infrastructure financing district in the town of Dartmouth (House, No. 611), 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 by substitution of a Bill establishing the Lincoln Park improvement district in the town of Dartmouth (House, No. 4883), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to check cashing fees (House, No. 296), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and after debate the bill was passed to be engrossed. Sent to the Senate for concurrence.

Check cashing fees.

The House report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2436) of the House Bill relative to municipal relief (House, No. 4631), reported recommending passage of a bill with the same title (House, No. 4877), was considered.

Municipal relief.

Pending the question on acceptance of the report of the committee of conference, Mr. Pedone of Worcester 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.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 140 members were recorded as being in attendance.

Quorum,—yea and nay No. 440.

**[See Yea and Nay No. 440 in Supplement.]**

Therefore a quorum was present.

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

MR. SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House and was not notified that a quorum roll call was in progress.

Statement of Mr. Rogers of Norwood.

After debate on the question on acceptance of the report of the committee of conference, the sense of the House was taken by yeas and nays, at the request of Mr. Donato of Medford; and on the roll call (Mr. Donato now being in the Chair) 137 members voted in the affirmative and 15 in the negative.

Conference committee report accepted,—yea and nay No. 441.

**[See Yea and Nay No. 441 in Supplement.]**

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

*Silent Prayer.*

At the request of the Chair (Mr. Donato of Medford), the members, guests and employees stood for a moment of silent prayer in respect to the memory of Robert J. Nyman of Hanover, a member of the House from 1999 to 2010, who passed away on June 25, 2010.

Robert J. Nyman.

*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.

Mr. DeLeo of Winthrop then moved that as a mark of respect to the memory of Robert J. Nyman, a member of the House from Hanover from 1999 to 2010, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-eight minutes after four 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.