

JOURNAL OF THE HOUSE.

Tuesday, July 27, 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

Prayer. God, our Creator, in prayer we open our hearts and minds to You and Your ways. May Your gifts of wisdom, truth and inner peace be with us at all times. We look to You for the courage to make objective and reasoned decisions and the intellectual and moral strength to remain true to our ideals, goals and values. In these busy and stressful times, teach us, on occasion, to pause for a moment to evaluate our priorities, direction and the purpose of our daily lives. As the formal legislative sessions come to a close, we are grateful for our accomplishments in these difficult economic and political times. We realize that we cannot address in a satisfactory manner all the concerns and public policy issues of the electorate. With Your help and guidance we can simply try to do our best.

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.

Statement Concerning Mr. Atsalis of Barnstable.

A statement of Mr. Vallee of Franklin concerning Mr. Atsalis of Barnstable was spread upon the records of the House, as follows

Statement concerning Mr. Atsalis of Barnstable. MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Atsalis of Barnstable, is unable to be present in the House Chamber for today's sitting due to attending the funeral of his father-in-law, Veine Bengtsson, in Sweden. His missing of roll calls today or for the next several days will be due entirely to the reason stated.

Resolutions.

Republic of Poland. Resolutions (filed with the Clerk by Mr. Scibak of South Hadley) memorializing the Congress of the United States to take immediate action to make the Republic of Poland ineligible for the United States Department of State's Waiver Visa Program, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Scibak, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows

By Representative Fernandes of Milford and Senator Moore, a joint petition (accompanied by bill House, No. 4936) of John V. Fernandes and Richard T. Moore (by vote of the town) that the town of Milford be authorized to issue a license for the sale of wines and malt beverages to be drunk on the premises to Tanglewood Drive, LLC. Milford,— liquor license.

By Representative Fernandes of Milford and Senator Moore, a joint petition (accompanied by bill House, No. 4937) of John V. Fernandes and Richard T. Moore (by vote of the town) for legislation to authorize the town of Milford to grant a license for the sale of all alcoholic beverages not to be drunk on the premises to Paul J. Moffi. Id.

By Mr. Koczera of New Bedford, a petition (accompanied by bill House, No. 4938) of John V. Fernandes and Richard T. Moore (by vote of the town) that the town of Milford be authorized to issue a license for the sale of wines and malt alcoholic beverages not to be drunk on the premises to Tyco, Inc. Id.

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Koczera of New Bedford, a petition (accompanied by bill House, No. 4939) of Robert M. Koczera (by vote of the town) that employees of the department of public works in the town of Acushnet be exempt from the civil service law. To the committee on Public Service. Acushnet,— employees.

Sent to the Senate for concurrence.

Papers from the Senate.

The Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4886) with further amendments inserting before section 1 (as published) the following section Land based wind projects,— siting reform.

"SECTION 1. This act shall be construed in a manner to achieve its public purposes, which are to encourage the development of clean, renewable, electric generating plants and ancillary facilities powered by wind, ensure that such facilities are sited in appropriate locations based on clear, predictable and protective environmental, cultural and historic resource standards and streamline the permitting of such facilities at the state and local level and reduce delays associated with appeals of such permits."

In section 1 (as published), in line 3, striking out the word "department" (inserted by amendment by the House), the second time it appears, and inserting in place thereof the word "division" (stricken out by amendment by the House);

Inserting after section 1 (as published) the following three sections: "SECTION 2A. Said section 10 of said chapter 25A, as so appearing, is hereby amended by striking out, in lines 22 and 23, the words 'or other local governmental body' and inserting in place thereof the following words:—, other local governmental body or other local governmental bodies acting jointly on a regional basis.

Land based
wind
projects,—
siting
reform.

SECTION 2B. Said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word 'locations', in lines 27 and 28, the following words:— within the municipality, other local governmental body or other local governmental bodies acting jointly on a regional basis.

SECTION 2C. Said section 10 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word 'municipality', in lines 29, 42 and 43, each time it appears, the following words:— , other local governmental body or other local governmental bodies acting jointly on a regional basis.”;

In section 3 (as published), in line 17, striking out the word “division” (inserted by the House committee on Bills in the Third Reading) and inserting in place thereof the words “energy facilities siting board”;

In line 24, striking out the words “local governmental body” and inserting in place thereof the word “municipality”;

In lines 26 to 29, inclusive, striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“ ‘Regional planning agency’, an agency with regulatory authority to issue permits, licenses or other governmental approvals for particular land uses within its jurisdiction.”;

In line 31, striking out the words “, test towers”;

In line 45, striking out the following “sections 4 and 69V of chapter 25D” (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following “section 69V and section 4 of chapter 25D. The siting of offshore wind facilities shall be governed by the integrated ocean management plan established under section 4C of chapter 21A”;

In line 84, inserting after the word “Association” the words “, provided, however, that the same municipal official may not serve on the energy facilities siting board and the advisory group established in this subsection”;

In line 91, inserting after the word “megawatts” the words “or related test towers”;

In line 92, inserting after the word “facility” the words “or related test towers”;

In line 96, striking out the words “clerk of the local governmental body” and inserting in place thereof the words “city or town clerk”;

In lines 98 and 163, striking out the word “division” (inserted by the House committee on Bills in the Third Reading) and inserting in place thereof, in each instance, the words “energy facilities siting board”;

In line 191, striking out the words “Notwithstanding the provisions of any other law to the contrary,” (inserted by amendment by the House);

In line 192 striking out the word “If” and inserting in place thereof the words “Notwithstanding any general or special to the contrary, if”;

In lines 225, 226 and 227, striking out subsection (k) (inserted by amendment by the House); and

In line 249, inserting after the word “regulations.” the following three sentences “The energy facilities siting board may retain said fees for the purpose of reviewing applications to construct wind energy facilities. Any remaining balances of said fees at the end of a fiscal

year shall not revert to the General Fund, but instead shall be available to the energy facilities siting board during the following fiscal year for the purposes set forth in sections 69U to 69X, inclusive. Nothing in this section shall change the level or use of siting fees for any other type of facility subject to section 69J½ of this chapter.”;

In section 4, in lines 277 to 281, inclusive, striking out the paragraph contained in those lines;

In lines 283 to 287, inclusive, striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“ ‘Regional planning agency’, an agency with regulatory authority to issue permits, licenses or other governmental approvals for particular land uses within its jurisdiction.”;

In line 301, striking out the words “local governmental bodies” and inserting in place thereof the word “municipalities”;

In lines 302, 304, 332, 385, 388 and 390, striking out the words “local governmental body” and inserting in place thereof, in each instance, the word “municipality”;

In line 305, striking out the word “may” and inserting in place thereof the word “shall”;

In line 307, inserting after the word “chapter” the following sentence “In all other municipalities, the municipality may establish a wind energy permitting board.”;

In lines 308 to 314, inclusive, striking out the two sentences contained in those lines and inserting in place thereof the following three sentences “A wind energy permitting board established under section 2 may be composed of 3 or 5 members appointed by the city manager in the case of a city under a Plan E form of government, the mayor in the case of all other cities or the board of selectmen in the case of a town. A 3 member board shall consist of 1 member of the zoning board of appeals, 1 representative of the conservation commission, if any, and 1 member of the planning board. A 5 member board shall consist of 2 members of the conservation commission, 1 member from the zoning board of appeals and 2 members from the planning board.”;

In line 359, and also in lines 406 and 407, striking out the words “clerk of the local governmental body” and inserting in place thereof, in each instance, the words “city or town clerk”;

In line 361, striking out the word “application” and inserting in place thereof the words “complete application or from the date the applicant elects to proceed on the information provided”;

In section 9, in line 454, striking out the figure “2” and inserting in place thereof the figure “1”;

In line 468, after the word “promulgated”, striking out the words “by the division of green communities” (inserted by the House committee on Bills in the Third Reading); and

In section 14, in line 476, after the word “Commonwealth.”, striking out the following sentence “The permitting process contained in chapter 25D of the General Laws or sections 69U to 69W, inclusive, of chapter 164 of the General Laws shall not apply to projects that will have an adverse effect on properties that are listed or eligible for listing in the National or State Registers of Historic Places.” (inserted by amendment by the House).

Land based
wind
projects,—
siting
reform.

Under suspension of the rules, on motion of Mr. Finegold of Andover, the further amendments were considered forthwith. The House then non-concurred with the Senate in its further amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Finegold, Kane of Holyoke and Peterson of Grafton were appointed the committee on the part of the House. Sent to the Senate to be joined.

Health care,—
small
businesses.

The Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate, No. 2447), came from the Senate with the endorsement that said branch had non-concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4924).

Committee of
conference.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Montigny, Chandler and Knapik had been appointed the committee on the part of the Senate.

Id.

On motion of Mr. Mariano of Quincy, the House insisted on its amendment; and, on further motion of the same member, concurred with the Senate in the appointment of a committee of conference. Representatives Mariano of Quincy, Walsh of Lynn and Barrows of Mansfield then were appointed the committee on the part of the House. Sent to the Senate to be noted.

Plymouth,—
land
transfer.

The House Bill relative to a transfer of land in the town of Plymouth (House, No. 4264, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1 adding the following sentence "The Commonwealth, acting by and through the department of conservation and recreation, and the Wildlands Trust of Southeastern Massachusetts, Inc. may release a portion of the conservation restriction granted to them by the town of Plymouth by an instrument dated June 23, 2006, and recorded in the Plymouth county registry of deeds in book 33062, pages 261-283 on the parcel of land to be conveyed pursuant to this act."

Under suspension of Rule 35, on motion of Mr. deMacedo of Plymouth, 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.

UMass,—
police.

The House Bill relative to the police department of the University of Massachusetts (House, No. 4409) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, inserting after the word "officers" the words " , environmental law enforcement officers"; in section 2, in line 7; and also in section 3, in lines 9 and 10, inserting before the words "the University of Massachusetts", in each instance, the words " , the office of environmental law enforcement,".

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

Bills

Exempting a certain structure from certain harbor lines in South Boston section of the city of Boston (Senate, No. 2071, amended in line 5 by striking out the words "together with walkways and a docking facility to be located in whole or in part" and inserting in place thereof the words "or a floating barge secured by piles, together with walkways and a docking facility, to be located in whole or in part") (on a petition);

South Boston,—
Peninsula
Yacht Club.

Relating to the Medical Professional Mutual Insurance Company (Senate, No. 2385) (on a petition);

Medical
Insurance.

Authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (Senate, No. 2481) (on a petition);

Greenfield,—
land.

Providing for the public inspection of records made or received by special state police officers at educational institutions (Senate, No. 2487) (on Senate, No. 1421);

Special
police,—
records.

Establishing the fire prevention regulations appeals board (Senate, No. 2570) (on Senate bill No. 983); and

Fire preven-
tion appeals.

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center (Senate, No. 2571) (on Senate bill No. 1402);

Spencer,—
land.

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

The Senate Bill clarifying the term "warehouse or other storage facility" (Senate, No. 1791) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Warehouse,—
clarify.

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

Petition (accompanied by bill, Senate, No. 2572) of Diane Van Der Meer for legislation relative to homeowners insurance coverage and toxic drywall. To the committee on Financial Services.

Insurance,—
toxic
drywall.

Petition (accompanied by bill, Senate, No. 2573) of Sonia Chang-Diaz and Elizabeth A. Malia for legislation to provide for the disposition of the Commonwealth owned land in the city of Boston. To the committee on State Administration and Regulatory Oversight.

Boston,—
land
transfer.

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 a joint petition of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) relative to authorizing the town of Hingham to become a permanent member of the Massachusetts Water Resources Authority. Under suspension of the rules, on motion of Ms. Dykema of Holliston, 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.

Hingham,—
MwRA
membership.

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 a joint petition of Peter V. Kocot and

Edward
Driscoll,—
sick leave
bank.

Stanley C. Rosenberg for legislation to establish a sick leave bank for Edward Driscoll, an employee of the Trial Court. Under suspension of the rules, on motion of Mr. Rushing of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Harwich,—
liquor
licenses.

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. 4586) of Sarah K. Peake and Robert A. O' Leary (by vote of the town) that the town of Harwich be authorized to issue three additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Under suspension of the rules, on a motion of Ms. Peake of Provincetown, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Exempting the office of deputy chief of police in the town of Rockland from the civil service law (see Senate, No. 2475) (which originated in the Senate);

Authorizing the Dukes County contributory retirement system to grant certain retirement benefits (see House, No. 4174);

Establishing a road maintenance revolving account in the town of Brewster (see House, No. 4495); and

Relative to seawalls in the town of Duxbury (see House, No. 4655); (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 it were signed by the acting Speaker and sent to the Senate.

Motion to Reconsider.

Motion to
reconsider.

Mr. Pedone of Worcester moved that the vote be reconsidered by which the House, at the preceding sitting, passed to be engrossed the House Bill relative to the protection of children (House, No. 1589, amended); and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed, the same member moved that the vote be reconsidered by which the House, at said sitting, adopted an amendment (offered by Mr. Driscoll of Braintree and him) adding two sections; and that motion to reconsider also prevailed. On the recurring question, the amendment was rejected.

The bill (House, No. 1589) then was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

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

Engrossed Bill — Land Taking.

The engrossed Bill relative to certain easements in the town of Andover (see House, No. 4318) (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.

Andover,—
easements.

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

Bill enacted
(land taking),—
yea and nay
No. 457.

[See Ye and Nay No. 457 in Supplement.]

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

*Motions to Discharge Certain Matters
in the Orders of the Day.*

The House Bill relative to Plimoth Plantation (House, No. 4510) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Plimoth
Plantation.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to transfer care and control of certain land in Boston (House, No. 4778) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Boston,—
land.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 "An Act authorizing the Division of Capital Asset Management and Maintenance to transfer the control of certain land in the city of Boston." Sent to the Senate for concurrence.

The House Bill to convey certain Commonwealth property consisting of the waters of Farm Pond, its tributaries, and water distribution system to the town of Sherborn (House, No. 4783) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Sherborn,—
Farm
Pond.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 "An Act conveying certain property to the town of Sherborn." Sent to the Senate for concurrence.

Tewksbury,—
land.

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes (House, No. 4822) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 "An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury.". Sent to the Senate for concurrence.

Cambridge,—
land.

The House Bill authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown, Massachusetts (House, No. 4874) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 "An Act authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in the city of Watertown.". Sent to the Senate for concurrence.

Cambridge,—
land.

The House Bill authorizing the grant of easements upon land of the Commonwealth located in the city of Cambridge (House, No. 4875) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Pedone of Worcester, 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 "An Act authorizing the granting of easements upon land of the Commonwealth located in the city of Cambridge.". Sent to the Senate for concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Pedone of Worcester:

- Scrap dealers. Relative to scrap metal dealers (House, No. 328, changed);
- Inhalants. Relative to inhalant abuse (House, No. 4254);
- Prices. Relative to price adjustment (House, No. 4508);

Authorizing the city of Boston parks and recreation commission to lease certain real property under its control and owned by the city of Boston (House, No. 4663); and

Boston,—
parks, etc.

Authorizing the city of Beverly to convey certain land located in the city of Beverly (House, No. 4905).

Beverly,—
land.

Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the registration and inspection of street rods and custom vehicles (House, No. 4871) reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Street rods
and custom
vehicles.

Pending the question on passing the bill to be engrossed, the same member moved to amend it in section 1, in line 8, by striking out the words "or 'year of manufacture'", and in lines 18 and 20, by striking out the word "replicas" and inserting in place thereof, in each instance, the words "replica vehicles"; and in section 3, in lines 38 to 52, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"Street rods and custom vehicles, as defined and registered pursuant to section 2H of chapter 90, shall receive an emissions waiver certificate. Specially constructed vehicles and replica vehicles, as defined and registered pursuant to section 2H of chapter 90, which are registered on or before June 30, 2011, shall receive an emissions waiver certificate. Specially constructed vehicles and replica vehicles, as so defined, registered after June 30, 2011 shall be subject to emission control requirements based on the model year and configuration of the engine installed in the specially constructed or replica vehicle, whether the engine is an original equipment manufacturer's production engine, rebuilt engine or crate engine. Regulations relative to emissions compliance for replica or specially constructed vehicles registered after June 30, 2011 may establish maximum limits on the annual number of vehicle miles traveled by these vehicles; provided, however, that the limit on the annual number of vehicle miles traveled shall not be less than 3,000 miles per year. If the model year of the engine installed in the specially constructed or replica vehicle requires an onboard diagnostic system, the vehicle shall be subject to an onboard diagnostic system emissions test applicable to the certified configuration, including any exclusions or exemptions otherwise granted to that certified configuration."

The amendments were adopted; and the bill (House, No. 4871, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The following bills were discharged from their position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Kafka of Stoughton:

- Senate bills
- Establishing a linkage extraction program in the city of Gloucester (Senate, No. 100);

Gloucester,—
linkage.

Hazardous sites. Authorizing municipalities to petition for public involvement plans in hazardous materials sites (Senate, No. 418);

Somerville,— deputy chief. Exempting the position of deputy chief of police in the city of Somerville from the civil service law (Senate, No. 2263);

Great Barrington. Exempting the position of chief of police of the town of Great Barrington from the civil service law (Senate, No. 2332);

Vehicle deaths. Authorizing the warrantless arrest for reckless or negligent operation that results in serious bodily injury or death (Senate, No. 2472); and

Volunteer dentistry. Relative to certain temporary registrations and volunteer dentistry (Senate, No. 2567); and

House bills

East Bridgewater. Further regulating tax titles in the town of East Bridgewater (House, No. 4678);

Westborough,— liquor license. Authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4736);

Littleton. Relative to the town of Littleton Electric Light Department (House, No. 4741);

Pepperell,— ballot question. Authorizing the placement of a certain question on the ballot to be used at the November 2010 biennial state election in the town of Pepperell relative to the sale of all alcoholic beverages (House, No. 4846);

North Adams,— debt. Authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851); and

Hopkinton. Validating the actions taken at a certain town election in the town of Hopkinton (printed in House, No. 4893);

Severally were ordered to a third reading.

Somerville,— land. The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (Senate, No. 2286, amended) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton. The amendments recommended by the committee on Ways and Means,— that the bill be amended in lines 2, 3 and 4, by striking out the following “, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, may convey by deed approved as to form by the inspector general” and inserting in place thereof the following “ and the Metropolitan Water Resources Authority, may convey, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, by deed”, and by adding the following section:

“SECTION 5. The use of the parcel shall be restricted to the development and operation of affordable senior housing pursuant to section 2. In the event the property ceases to be used for such purpose, title to the property shall, after the provision of notice and an opportunity to cure from the commonwealth, revert to the commonwealth.”,— were adopted.

The bill (Senate, No. 2286, amended) then was ordered to third reading.

Affordable health insurance. The House Bill increasing access to affordable health insurance coverage (printed as Senate, No. 455) was discharged from its position

in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4799),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill conveying land to the town of Salisbury (House, No. 634) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4929),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill relative to the Connecticut River Rowing Facility (House, No. 3145) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 4765),— was rejected.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4930),— then was adopted; and the substituted bill was ordered to a third reading.

The House Bill establishing a special commission on gender-responsive programming for system-involved girls (House, No. 3418) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4931),— Mr. Jones of North Reading moved to amend it in line 17 by striking out the figures “20” and inserting in place thereof the figures “22”, and in line 20 by inserting after the words “commission” the following “; 1 person appointed by the minority leader of the house of representatives; 1 person appointed by the minority leader of the senate”. The further amendments were adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill (House, No. 4931, amended) was ordered to a third reading.

The House Bill relative to the use of buildings and park land in the town of Hull for development purposes (House, No. 3666) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

Hull,—
land.

The amendment recommended by the committee on Ways and Means,— that the bill be amended by substitution of a Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain Nantasket Beach reservation buildings and park land in the town of Hull for development purposes (House, No. 4932),— was adopted; and the substituted bill was ordered to a third reading.

Cambridge,—
North Point
Park land.

The House Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendments recommended by the committee on Ways and Means,— that the bill be amended in line 31 by striking out the following “Urban Parks trust, established under section 1 of chapter 132A of the General Laws” and inserting in place thereof the words “General Fund”; and in line 54 by inserting after the word “of” the words “equal or”,— were adopted.

The bill (House, No. 4482, amended) then was ordered to a third reading.

Hingham,—
lease.

The House Bill authorizing a ground lease of land owned by the Department of Conservation and Recreation for conservation and recreation purposes in the town of Hingham (House, No. 4823) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Stoughton.

The amendment recommended by the committee on Ways and Means,— that the bill be amended in lines 29 and 30 by striking out the following “a minimum 3,285 gross square feet” and inserting in place thereof the word “space”,— was adopted. The bill (House, No. 4823, amended) then was ordered to a third reading.

Iran,—
pension
divestment.

The House Bill relative to pension divestment in the Republic of Iran (House, No. 4297) was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kafka of Sharon.

Pending the question on passing the bill to be engrossed, Ms. Provost of Somerville moved to amend it by striking out section 7 and inserting in place thereof the following section:

“SECTION 7. This act shall take effect upon written communication from the President of the United States declaring that this act is compatible with the conduct of the United States’ foreign policy.”.

Quorum.

After debate on the question on adoption of the amendment, Mr. Sciortino of Medford asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

[See Yea and Nay No. 458 in Supplement.]

Therefore a quorum was present.

Quorum,—
yea and nay
No. 458.

Subsequently a statement of Ms. Gregoire of Marlborough 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
Ms. Gregoire of
Marlborough.

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 Ms. Provost of Somerville; and on the roll call 19 members voted in the affirmative and 134 in the negative.

Amendment
rejected,—
yea and nay
No. 459.

[See Yea and Nay No. 459 in Supplement.]

Therefore the amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill by in section 3, in line 56, by striking out the figure “6” and inserting in place thereof the figure “5”; and the amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays as had been previously requested by Mr. Spellane of Worcester; and on the roll call 135 members voted in the affirmative and 15 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 460.

[See Yea and Nay No. 460 in Supplement.]

[Representatives Conroy of Wayland, Grant of Beverly, Keenan of Salem and Peisch of Wellesley answered “Present” in response to their names.]

Therefore the bill (House, No. 4297, amended) 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 Senate Bill to stabilize neighborhoods (Senate, No. 2407) 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 4934.

Neighborhoods.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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, as amended, was ordered to a third reading.

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

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the same member 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 (the Speaker being in the Chair) 149 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 461.

[See Yea and Nay No. 461 in Supplement.]

Therefore a quorum was present.

Neighborhoods.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence (Mr. Petrolati of Ludlow being in the Chair),— Mr. Turner of Dennis moved to amend the bill in section 6, in line 134, inserting after the word “sent.” the following sentence “This requirement shall be satisfied if the foreclosing owner or someone acting on his behalf has posted in a prominent location in the building, mailed by first class mail to each unit, and slid under the door of each unit in the building a document stating the names, addresses, telephone numbers and telephone contact information of the foreclosing owner, the building manager or other representative of the foreclosing owner responsible for the management of such building and stating the address to which rent and use and occupancy charges shall be sent.”.

The amendment was adopted.

Ms. Wolf of Cambridge then moved to amend the bill in section 3, in line 43, by inserting after the word “counseling” the following two sentences “In the case where the mortgagor cannot access in-person counseling, he or she may request distance counseling. Such request must be approved by the third party organization as being adequate and effective to promote the best interest of the mortgagor.”. The amendment was rejected.

Representatives Balsler of Newton and Khan of Newton then moved to amend the bill in section 7, in lines 215 to 229, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(b) Any mortgagor of residential property shall have a 150-day right to cure a default of a required payment as provided in the residential mortgage or note secured by the residential property by full payment of all amounts that are due without acceleration of the maturity of the unpaid balance of the mortgage; provided, however, that if a creditor certifies (i) that it has engaged in a good faith effort to negotiate and agree upon a commercially reasonable alternative to foreclosure as described in subsection (c); (ii) that its good faith effort has involved at least 1 mediation session between a creditor’s representative with authority to agree to a settlement and the borrower and the borrower’s attorney or borrower’s representative; and (iii) after such mediation session the borrower and the creditor were not successful in resolving their dispute, then the creditor may begin foreclosure proceedings after a right to cure period lasting 90 days. Mediation sessions shall be conducted by a neutral third party mediator working under a court-approved mediation provider. Not more than five days after the conclusion of the mediation, the mediator shall provide a report to both parties describing the proceedings and specifying the issues resolved, if any, and any issues not resolved pursuant to the mediation. The reasonable cost of mediation shall be paid for by the parties, provided that the portion of the cost borne by the borrower shall be based on the borrower’s ability to pay, and provided also that the Attorney General shall, from time to time, establish the reasonable cost of mediation to be paid by the creditor and that such cost may include appropriate administrative costs including, without limitation, anticipated or actual costs to implement this subsection. A borrower who fails to respond within 60 days to any mailed communications offering to negotiate and agree upon commercially reasonable alternative to foreclosure sent via

certified and first class mail from the lender forfeits the right to a 150-day right to cure period and shall be subject to a right to cure period lasting said 90 days. Nothing in this section shall prohibit the borrower from affirmatively selecting a 150-day right to cure period instead of attending a mediation session with the creditor to negotiate and agree upon a commercially reasonable alternative to foreclosure. The right to cure a default of a required payment shall be granted once during any 3 year period, regardless of mortgage holder.”, in line 239, by striking out the following “meeting, telephone conversation or meeting pursuant to subsection (b)” and inserting in place thereof the following “the mediation session pursuant to subsection (b)”, and in lines 253 to 261, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(f) Prior to the conclusion of the right to cure period the creditor shall certify compliance with this section in an affidavit listing the time and place of the mediation, parties participating, relief offered to the borrower, the creditors’ net present value analysis and inputs of the analysis and certify that the modification or any option offered complies with current federal law or policy, and the creditor shall attach a copy of the mediator’s report provided to the parties pursuant to subsection (b). The creditor shall provide a copy of the affidavit to the homeowner and also file a copy of the affidavit with the land court in advance of initiating any foreclosure.”.

The amendments were rejected.

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. Honan of Boston; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 462 in Supplement.]

Therefore the bill (Senate, No. 2407, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 3809, a Bill relative to insurance coverage for autism (House, No. 4935). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Ms. L’Italien of Andover, the bill was read a second time forthwith. Pending the question on ordering the bill to a third reading, the same member moved to amend it in section 1, in line 74, by inserting after the word “section.” the following subsection:

“(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

Bill passed to be engrossed, yeas and nays No. 462.

Autism,— insurance coverage.

Autism,—
insurance
coverage.

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph (1) shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section.”; in section 2, in line 151, by inserting after the word “section.” the following subsection:

“(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph (1) shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section.”; in section 3, in line 226, by inserting after the word “section.” the following subsection:

“(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph 1 of this subsection shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section.”; in section 4, in line 302, by inserting after the word “section.” the following subsection:

“(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

Autism,— insurance coverage.

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph 1 of this subsection shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section.”; and in section 5, in line 378, by inserting after the word “section.” the following subsection:

“(g) An insurer, corporation or health maintenance organization shall be exempt for a period of 3 years from the requirement to provide coverage for habilitative or rehabilitative care required under this section and not covered by the insurer, corporation or health maintenance organization as of December 31, 2010, if:

(1) an actuary, affiliated with the insurer, corporation or health maintenance organization certifies in writing to the commissioner of insurance that:

(i) based on an analysis to be completed not more than once annually by each insurer, corporation or health maintenance organization for the most recent experience period of at least 1 year's duration, the annual costs associated with coverage of habilitative or rehabilitative care required under this section, and not covered as of December 31, 2010, exceeded 1 per cent of the premiums charged over the experience period by the insurer, corporation or health maintenance organization;

(ii) those costs solely would lead to an increase in average premiums charged of more than 1 per cent for all insurance policies, subscription contracts or health care plans commencing on inception or the next renewal date, based on the premium rating methodology and practices the insurer, corporation or health maintenance organization employs; and

(iii) the commissioner of insurance approves the certification of the actuary.

(2) An exemption allowed under paragraph 1 of this subsection shall apply for a 3 year coverage period following inception or next renewal date of all insurance policies, subscription contracts or health care plans issued or renewed during the 1-year period following the date of the exemption, after which the insurer, corporation or health maintenance organization shall again provide coverage for habilitative or rehabilitative care required under this section.

(3) Notwithstanding the exemption allowed under paragraph (1) of this subsection, an insurer, corporation or health maintenance organization may elect to continue to provide coverage for habilitative or rehabilitative care required under this section.”.

The amendments were adopted; and (the Speaker being in the Chair), the bill, as amended, was ordered to a third reading. Subsequently, under suspension of the rules, on motion of Ms. L'Italien of Andover, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate (Mr. Donato of Medford being in the Chair) the bill (House, No. 4935, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills
Relative to the protection of children (see House, No. 1589); and Bills enacted.
Authorizing certain Massport employees to receive benefits from the Bayswater environmental program (see House, No. 4511);
(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.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of North Andover to amend a certain conservation restriction (see House, No. 4194) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (the Speaker having returned being in the Chair) 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 463 in Supplement.]

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

Recess.

Mr. Donato of Medford being in the Chair,— At a quarter before six o'clock P.M. (Tuesday, July 27), on motion of Mr. Peterson of Grafton, the House recessed until the following day at eleven o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Wednesday, July 28, 2010 (at 11:00 o'clock A.M.).

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

Prayer.

Gracious God, at the opening of today's legislative session, once again we pause for a moment of reflection and prayer. We also seek Your guidance and Your blessings upon today's deliberations. In the closing days of formal legislative sessions, we continue to struggle to resolve the difficult and sensitive issues which are still before us. Help us to work together in a reasonable, patient and cooperative manner. We all share common goals to meet the needs of the people and the Commonwealth in these uneasy times. By our common sense and united efforts, may we build trust, confidence, hope and good will in the minds of the electorate as they struggle with their own family and employment problems. May our dedication to the common good strengthen the faith of the people in the relevance of our constitutions and traditional philosophical principles and 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.

Resolutions.

Hancock Shaker Village.

Resolutions (filed with the Clerk by Messrs. Guyer of Dalton, Pignatelli of Lenox, Bosley of North Adams and Speranza of Pittsfield) celebrating the Hancock Shaker Village fiftieth anniversary, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Pignatelli, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Engrossed Bill.

Bill enacted.

The engrossed Bill relative to the police department of the University of Massachusetts (see House, No. 4409, 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.

Recess.

Recess.

At twelve minutes before twelve o'clock noon (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Donato in the Chair.

Paper from the Senate.

Westford,—land.

The House Bill authorizing the town of Westford to lease a certain parcel of land for camp purposes (House, No. 4662) came from the

Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 6, inserting after the word "years." the following sentence "The lease, license or rental agreement shall be subject to subsection (s), (b) and (g) of section 16 of chapter 30B of the General Laws."

Under suspension of Rule 35, on motion of Mr. Arciero of Westford, 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.

The Senate Bill to protect and enhance the rights of child and adult victims and witnesses of crime (Senate, No. 2566, amended by striking out section 1 and inserting in place thereof the following two sections:

Crime,—victims.

"SECTION 1. Section 54 of chapter 119 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'sixty-nine', in line 26, the following words:— or the person has committed a violation of section 13B of chapter 268.

SECTION 1A. Section 1 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after the word 'delinquency', in line 10, the following words:— or conviction as a youthful offender") (on Senate bill No. 2510), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the following bills ought to pass:

Relative to the disposition of museum property (Senate, No. 2402);

Museums. Dartmouth,—land.

Authorizing the Commonwealth of Massachusetts to convey a certain parcel of land in the town of Dartmouth (Senate, No. 2553); and

Updating the hoisting law (Senate, No. 2564);

Hoisting law.

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

Mr. Kafka of Stoughton, for said committee, reported recommending that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to flea market vendors (Senate, No. 2282, amended) 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 4941. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Flea markets,—vendors.

Mr. Kafka of Stoughton, for said committee, reported recommending 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. 2282, amended) was ordered to a third reading.

Municipalities,—
fee
exemption.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill exempting towns from certain fees (House, No. 847) ought to pass with an amendment substituting therefore a Bill exempting municipalities from permit application fees under the Massachusetts oil and hazardous material release prevention and response act (House, No. 4942). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, reported recommending 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 substituted bill was ordered to a third reading.

Natural
resources,—
safeguard.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill safeguarding our natural resources (House, No. 4172) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4943). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, reported recommending 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 substituted bill was ordered to a third reading.

Grafton,—
land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the leasing of land in Grafton to the United State Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4892) ought to pass with amendments in lines 46 and 48 by striking out the figure "5" and inserting in place thereof, in each instance, the figure "4". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Mr. Kafka of Stoughton, for said committee, reported recommending 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 amendments recommended by the committee on Ways and Means then were adopted; and the bill (House, No. 4892, amended) was ordered to a third reading.

Podiatrists,—
registration.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to the registration of podiatrists (House, No. 2044) be scheduled for consideration by the House, with 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. 4912),— 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 Health Care Financing then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Torrisi of North Andover, for the committee on Higher Education, on House, No. 4843, a Bill creating a special commission on college scholarships (House, No. 4940). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

College
scholarships,—
study.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to independent contractors (House, No. 4748) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4944). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Independent
contractors.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill, relative to limiting certain types of dual alcohol licensures (Senate, No. 169, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Dual
alcohol
licensures.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to an intermunicipal agreement between the towns of Provincetown and Truro (House, No. 4873).

Provincetown
and Truro,—
agreement.

By the same member, for the same committee, on a petition, a Bill abolishing the board of public works in the town of Hopkinton (House, No. 4882) [Local Approval Received].

Hopkinton,—
public
works.

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

*Motions to Discharge Certain Matters
in the Orders of the Day.*

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (Senate, No. 2286, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of the rules, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

Somerville,—
land.

The House Bill validating actions taken at a special town election held in the town of Ashfield (printed in House, No. 4612), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed. Sent to the Senate for concurrence.

Ashfield,—
validate
acts.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Gloucester.— Establishing a linkage exaction program in the city of Gloucester (Senate, No. 100);
Great Barrington.— Exempting the position of chief of police of the town of Great Barrington from civil service law (Senate, No. 2332); and
Volunteer dentistry.— Relative to certain temporary registrations and volunteer dentistry (Senate, No. 2567);
Severally were passed to be engrossed, in concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

D.C.R.— lease.— Authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482, amended);
Hingham.— D.C.R. land.— Authorizing the leasing of a certain of parcel land owned by the Department of Conservation and Recreation in the town of Hingham (House, No. 4823, amended) (its title having been changed by said committee);
Hopkinton.— election.— Validating the actions taken at a certain town election in the town of Hopkinton (printed in House, No. 4893);
Salisbury.— land.— Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Salisbury (House, No. 4929) (its title having been changed by the committee on Bills in the Third Reading); and
Hull.— Nantasket Beach.— Authorizing the Division of Capital Asset Management and Maintenance to lease certain Nantasket Beach reservation buildings and park land in the town of Hull for development purposes (House, No. 4932);
Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

Lee.— Stanley Daoust.— The House Bill relative to retirement benefits for Stanley Daoust (House, No. 4709) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester.

Pending the question on passing the bill to be engrossed, Mr. Pignatelli of Lenox moved to amend it by adding the following section:
"SECTION 2. This act shall take effect upon its passage." The amendment was adopted; and the bill (House, No. 4709, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.— At twenty-four minutes before two o'clock P.M. (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of four

o'clock; and at eighteen minutes after four o'clock the House was called to order with Mr. Donato in the Chair.

Reports of Committees.

Report of the committee on Municipalities and Regional Government, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4714) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to implement a voluntary donation system and providing for the establishment of a veterans council assistance fund for said town.

Hingham,— veterans council.

Under suspension of the rules, on a motion of Mr. Rushing of Boston, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Bradley of Hingham.

Report of the committee on Revenue, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4758) of Garrett J. Bradley that the Department of Revenue be directed to reimburse cities and towns the proceeds collected from the excise tax imposed on satellite subscriptions.

DOR.— reimbursements.

Under suspension of the rules, on a motion of Mr. Rushing of Boston, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Mr. Bradley of Hingham.

Emergency Measure.

The engrossed Bill relative to mortgage foreclosures (see Senate, No. 2407, 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.

Mortgage foreclosures.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

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 Senate to the Senate.

Recess.

At seventeen minutes before five o'clock P.M. (Wednesday, July 28), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the following day at a half past twelve o'clock noon; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Thursday, July 29, 2010 (at 12:30 P.M.).

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.

Messages from the Governor.

Wenham,— validate election.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the special town election held in the town of Wenham on December 17, 2009 (House, No. 4948) was filed in the office of the Clerk on Wednesday, July 28.

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

Gardner,— land.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the city of Gardner to convey certain land under the control of the Gardner conservation commission (House, No. 4949) was filed in the office of the Clerk on Wednesday, July 28.

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

Subsequently Mr. Donato of Medford, on the foregoing message, reported a Bill authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (printed in House, No. 4949). Read; and referred, under Rule 33, to the committee on Ways and Means.

Essex,— validate acts.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at an annual town meeting held in the town of Essex (House, No. 4950), was filed in the office of the Clerk on Wednesday, July 28.

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

Resolutions.

Arthur D. Sutcliffe.

Resolutions (filed by Messrs. Golden of Lowell, Nangle of Lowell and Murphy of Lowell) honoring Arthur D. Sutcliffe for his seventeen years of volunteer service to the Greater Merrimack Valley Communities, were referred, under Rule 85, to the committee on Rules:

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Golden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following orders (filed of Mr. Binienda of Worcester) were adopted:

Ordered, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Dempsey of Haverhill, Reinstein of Revere and Frost of Auburn during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619).

Gaming conferees,— voting.

Ordered, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives O'Flaherty of Chelsea, Speranzo of Pittsfield and Frost of Auburn during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment of the Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220).

Criminal offender record conferees,— voting.

Ordered, That, Notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Mariano of Quincy, Walsh of Lynn and Barrows of Mansfield during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment of the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate No. 2447).

Health insurance conferees,— voting.

Papers from the Senate.

The Senate Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate, No. 2449, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4881) with a further amendment in proposed section 64, adding the following subsection:

Water storage facilities,— inspections.

“(c) All subcontractors under the offeror shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice-to-journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract.”

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its further amendment with a still further amendment by striking out subsection (c) (inserted by amendment by the Senate) and inserting in place thereof the following subsection:

Water storage facilities,— inspections.

“(c) All subcontractors under the offeror employing 10 or more persons to perform services under a contract awarded pursuant to section 65 shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice to journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract.”

The still further amendment was adopted. Sent to the Senate for concurrence in the still further amendment.

Food policy council.

The House Bill establishing the Massachusetts food policy council (House, No. 4568) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, striking out the figures “15” and inserting in place thereof the figures “17”; in line 15, striking out the figure “5” and inserting in place thereof the figure “7”; in line 18, after the word “nutrition”, inserting the following “1 of whom shall be an expert in food safety, 1 of whom shall be an expert in food processing and handling”; and, in line 25, striking out the words “department shall provide administrative support to the council as requested” and inserting in place thereof the words “council may request administrative support from the department”.

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

Tips,— pooling.

The House Bill relative to the pooling of tips (House, No. 4814) 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 2576.

Under suspension of Rule 35, on motion of Ms. Forry of Boston, 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

Wages,— uniformity and recordkeeping.

Relative to uniform wage compliance and recordkeeping (Senate, No. 678, amended by inserting after section 1 (as changed by the Senate committee on Bills in the Third Reading) the following section:

“SECTION 1A. Chapter 149 of the General Laws is hereby amended by inserting after section 147H the following section:—

Section 147I. (a) An individual whose work is performed solely in the individual’s place of residence shall be exempt from the requirements of clause (2) of subsection (a) of section 148B of chapter 149, but not clause (1) or clause (3) of said subsection (a) of said section 148B of said chapter 149. This section does not apply to other persons who work with or for the individual.

(b) The exception provided in subsection (a) shall not apply to an individual who has been coerced, threatened or intimidated into establishing an independent business nor shall it apply to individuals who telecommute or work remotely from home.

(c) Each individual seeking this exemption shall register with the state secretary and such registration shall be issued without a fee. The registration shall include, but not be limited to, the following information: (i) name of the individual seeking the exemption; (ii) the nature of the independently established business; (iii) the address of the residence at which the work is performed; and (iv) proof that the address listed is the applicant’s legal residence. The state secretary shall issue regulations necessary to ensure registration under this section. The application for registration shall be typewritten, printed or in such other form as the state secretary shall prescribe. The application for registration shall be executed by the individual seeking the exemption. The registration shall be renewed every 3 years.”) (on a petition);

Regulating notaries public to protect consumers (Senate, No. 1845, amended by striking out section 4; and in section 5, in lines 291 to 314, inclusive, striking out the text contained therein and inserting in place thereof the following:

Notaries public.

“Section 18A. (a) The attorney general or district attorney may prosecute any person committing a violation under this chapter. Any person convicted of committing such violation shall be punished for a first offense by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 6 months, or by both such fine and imprisonment, and for subsequent offenses by a fine of not more than \$5,000 or by imprisonment in a jail or house of correction for not more than one year, or by both such fine and imprisonment. The attorney general or district attorney may file a petition for injunctive relief against any person who violates this chapter. If the attorney general, district attorney or the state secretary has cause to believe that, as a result of official misconduct, a person holding the office of notary public is unsuitable to hold that office, the attorney general, district attorney or the state secretary shall provide notice to the governor of such official misconduct. Any conviction based on a violation of this chapter shall be grounds for the revocation of a notary’s appointment. If the court finds that a person so convicted either knew or should have known his conduct to be in violation of this chapter, the court may require such person to pay to the commonwealth a civil penalty of not more than \$5,000 for each such violation and also may require the person to pay the reasonable costs of investigation and litigation of such violation, including reasonable attorneys’ fees.

(b) A person having an interest or right that is or may be adversely affected by a violation of section 18 may initiate an action for private remedies and, if the attorney general or district attorney has not done so, for injunctive relief. Such person may be awarded actual damages and, if the court finds that person against whom the action is brought either knew or should have known his conduct to be in violation of section 18, punitive damages of not more than \$5,000 per violation, and attorney’s fees and court costs.

(c) A violation of section 18 shall constitute an unfair and deceptive act or practice pursuant to chapter 93A.

(d) It shall not be a defense in an action under this section that the conduct that is the subject of the action, in whole or in part, occurred primarily or substantially outside the commonwealth.”; and in section 5, in line 396, by striking out the date “July 1, 2009” and inserting in place thereof the following date “July 1, 2011”) (on a petition); and

Street lists. Relative to street list (Senate, No. 2574) (on Senate bill No. 332); Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Town managers. Relative to the appointment of executive secretaries and town managers (Senate, No. 793) (on a petition);

Elderly,— falls. Relative to the prevention of falls in the elderly community (Senate, No. 2240) (on Senate, No. 317);

Rockland,— Memorial Park. Relative to the continued use of Memorial Park in the town of Rockland (Senate, No. 2474) (on a petition) [Local Approval Received]; and

Mansfield,— Weddleton Bridge. Designating a certain bridge in the town of Mansfield as the Sergeant Douglas Weddleton Memorial Bridge (Senate, No. 2528) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

Land based wind projects. By Mr. Finegold of Andover, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate further amendments to the House amendment of the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260), recommending passage of a bill with the same title (House, No. 4955). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Sharon, for the committee on Steering, Policy and Scheduling, then 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 the next sitting, the question being on acceptance.

West Boylston,— land. By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the joint petition of James J. O'Day and Harriette L. Chandler for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Architects,— liens. By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to a lien for architects, engineers, land surveyors, and site professionals (Senate, No. 2512, amended) ought to pass with amendments by inserting after section 1 the following section:

“SECTION 1A. Said section 2A of said chapter 254, as so appearing, is hereby further amended by striking out, in line 9, the word ‘two’ and inserting in place thereof the words:— 2, 2C and 2D.”; and in section 2, in line 72, by striking out the word “prime”.

By the same member, for the same committee, that the Bill increasing the experience and background necessary to operate low pressure processed steam boilers (House, No. 4558) ought to pass with an amendment substituting a bill with the same title (House, No. 4952).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the placement of a certain question on the ballot to be used at the 2010 biennial state election in the city of Gardner (House, No. 4897) [Local Approval Received].

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, under the provisions of Joint Rule 3A, a Committee Bill improving lobster laws (House, No. 4951).

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the appointment of retired police officers in the town of Whitman (House, No. 4854) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill exempting employees of the department of public works in the town of Acushnet from the civil service law (House, No. 4939) [Local Approval Received].

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to quarterly tax billing in the town of Belmont (House, No. 4901) [Local Approval Received].

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

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the following bills ought to pass:

Relative to compliance with reserve requirements of life insurers (Senate, No. 2542);

Clarify recording requirements at registries of deeds (Senate, No. 2549); and

Further regulating debt collection (Senate, No. 2557); Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

At twenty-five minutes before one o'clock P.M. (Thursday, July 29), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until five minutes before one o'clock; and at that time the House was called to order with the Speaker in the Chair.

*Joint Session of the Two Houses to Consider
Specific Legislative Amendments to the Constitution.*

At one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Stanley C. Rosenberg.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Menard, at one minute past one o'clock P.M., the Joint Session was adjourned; and the Senate withdrew from the House Chamber, under the escort of the Sergeant-at-Arms.

Engrossed Bills.

Mr. Donato of Medford being in the Chair,—

Engrossed bills

Establishing a linkage exaction program in the city of Gloucester (see Senate, No. 100);

Exempting the position of chief of police in the town of Great Barrington from the civil service law (see Senate, No. 2332); and

Relative to certain temporary registrations and volunteer dentistry (see Senate, No. 2567);

(Which severally originated in the Senate); and

Establishing the Essex county commission on the status of women (see House, No. 3410) (which originated in the House);

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

Recess.

At a quarter after one o'clock P.M. (Thursday, July 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Guests of the House.

The Speaker then took the Chair and welcomed distinguished guests representing the Boston Pops, which is celebrating the one hundred twenty-fifth anniversary of performing for audiences throughout the world. Mr. Keenan of Salem then took the Chair and read resolutions previously adopted by the House honoring the anniversary. After remarks by Mr. Keenan, Ms. Fox of Boston and Mr. Pignatelli of Lenox, Mr. Pignatelli introduced Mr. Mark Volpe, Managing Director, who addressed the House briefly. The Speaker then returned to the Chair and introduced Keith Lockhart, Conductor, who also addressed the House briefly. Accompanying Mr. Lockhart and Mr. Volpe were Mr. Lockhart's wife and two children, as well as Dennis Alves, Director of Artistic Planning and Ryan Losey of government relations. They were the guests of the Speaker and Representatives Keenan, Fox and Pignatelli.

Recess.

At twenty-eight minutes after two o'clock P.M. (Thursday, July 29), on motion of Mr. Vallee of Franklin (the Speaker being in the Chair), the House recessed until the hour of three o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Emergency Measures.

The engrossed Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (see Senate, No. 2344, 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 42 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 passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

The engrossed Bill relative to the qualifications, service and salary of county managers (see House, No. 1993), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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

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 Senate to the Senate.

The engrossed Bill establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (see House, No. 4717), 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 20 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 Senate to the Senate.

The engrossed Bill authorizing certain development in the Fort Point Channel in the city of Boston (see Senate, No. 2376, amended), having been certified by the Clerk to be rightly and truly prepared for

Joint
Session.

Bills
enacted.

Recess.

Boston Pops,—
Keith
Lockhart.

Recess.

Motorcycles,—
safety.

Bill
enacted.

County
managers.

Bill
enacted.

Susan
Spera,—
sick leave
bank.

Bill
enacted.

Boston,—
Fort Point
Channel.

Boston,—
Fort Point
Channel.

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 26 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. 464.

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

[See Yea and Nay No. 464 in Supplement.]

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

Engrossed Bills — Land Takings.

Plymouth,—
land.

The engrossed Bill relative to a transfer of land in the town of Plymouth (see House, No. 4264, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 465.

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

[See Yea and Nay No. 465 in Supplement.]

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

Cohasset,—
land.

The engrossed Bill authorizing the town of Cohasset to grant certain interests in land acquired for conservation, open space and water protection purposes (see House, No. 4322) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 466.

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

[See Yea and Nay No. 466 in Supplement.]

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

Sherborn,—
land.

The engrossed Bill making a technical correction in a special act relative to certain land in the town of Sherborn (see House bill printed in House, No. 4614) (which originated in the House), having been cer-

tified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 467 in Supplement.]

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill enacted
(land taking),—
yea and nay
No. 467.

The engrossed Bill authorizing the town of Westford to lease a certain parcel of land for camp purposes (see House, No. 4662, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Westford,—
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 155 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 468.

[See Yea and Nay No. 468 in Supplement.]

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

The engrossed Bill authorizing the Boston parks and recreation commission to lease certain real property (see House, No. 4663) (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.

Boston,—
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 154 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 469.

[See Yea and Nay No. 469 in Supplement.]

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

The engrossed Bill authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (see House, No. 4766, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Winthrop,—
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.,

Bill enacted
(land taking),—
yea and nay
No. 470.

Winthrop,—
land. as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 470 in Supplement.]

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

Cohasset,—
land. The engrossed Bill authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (see House, No. 4844) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 471. 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 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 471 in Supplement.]

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

Beverly,—
land. The engrossed Bill authorizing the city of Beverly to convey certain land located in the city of Beverly (see House, No. 4905) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 472. 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 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 472 in Supplement.]

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

Reports of Committees.

Mr. Vallee of Franklin being in the Chair,—

General
Appropriation
Bill. Mr. Murphy of Burlington, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4840), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), reported, in part, that section 131 and item 1775-0100 (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Murphy of Burlington, the reports were considered forthwith.

Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee), 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 (Mr. Vallee of Franklin being in the Chair) 150 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 473.

[See Yea and Nay No. 473 in Supplement.]

Therefore a quorum was present.

Section 131 (continuation of cost shifts to state authorities), which had been disapproved by the Governor, was considered.

After debate on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 139 members voted in the affirmative and 15 in the negative.

Continuation
of cost shifts
to state
authorities
section 131
stands,—
yea and nay
No. 474.

[See Yea and Nay No. 474 in Supplement.]

[Representative Guyer of Dalton answered "Present" in response to his name.]

Therefore section 131 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1775-0100 (contained in section 2) (Operational Services Division administration), which had been disapproved (in part) by the Governor was considered.

After debate on the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

Operational
Services
Division
administration
item 1775-0100
stands,—
yea and nay
No. 475.

[See Yea and Nay No. 475 in Supplement.]

[Representative Guyer of Dalton answered "Present" in response to his name.]

Therefore item 1775-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Mr. Donato of Medford being in the Chair,—

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill releasing certain land in the town of Brimfield from an agricultural preservation restriction (Senate, No. 2221) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Brimfield,—
land.

Mr. Kafka of Stoughton, for said committee, reported recommending 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; and it was ordered to a third reading.

Drugs,—
Class A
substance.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to Class A controlled substances (Senate, No. 2222, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending 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; and it was ordered to a third reading.

Abandoned
vessels.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to abandoned vessels (House, No. 4762) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4953). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

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

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, 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.

Hull,—
library.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the certification of Hull public library (House, No. 4779) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4954). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending 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 substituted bill was ordered to a third reading.

Hingham,—
tax bills.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Hingham to designate a check off box on its tax bills (House, No. 4714) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Sharon,—
deputy
police chief.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill exempting the deputy chief of police in the town of Sharon from the provisions of civil service (House, No. 4853) [Local

Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the department of health and human services (House, No. 4921). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Cheryl A.
Cole,—
sick leave.

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

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Christopher Lemoing, an employee of the Plymouth County Sheriff's Department (House, No. 4925). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Christopher
Lemoing,—
sick leave.

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

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bill.

Ms. L'Italien of Andover being in the Chair,—

The engrossed Bill relative to insurance coverage for autism (see House, No. 4935, 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.

Bill
enacted.

*Motions to Discharge Certain Matters
in the Orders of the Day.*

The Senate Bill further regulating above ground tanks used for the storage of certain fluids (Senate, No. 914), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence.

Storage
tanks.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

North Adams. Authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851);
 Rowing facility. Relative to the Connecticut River rowing facility (House, No. 4930);
 and
 Natural resources. Safeguarding our natural resources (House, No. 4943).
 Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Pedone of Worcester:

Vehicle storage charges. Relative to the maximum storage charges on motor vehicles involuntarily towed (House, No. 4171);
 Boston,—volumetric easements. 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);
 Postpartum depression. Relative to postpartum depression (House, No. 4859) (its title having been changed by the committee on Bills in the Third Reading); and
 Auctions,—wine sales. Relative to the sale of wines at auctions (House, No. 4908) (its title having been changed by the committee on Bills in the Third Reading);
 Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The following bills were discharged from their position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Kafka of Soughton:

School districts. Relative to school district regionalization (House, No. 4754); and
 Public contracts. Relative to bidding for public construction contracts (House, No. 4786);
 Severally were ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet the following day at twelve o'clock noon.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-five minutes before seven o'clock P.M. (Thursday, July 29), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following day at twelve o'clock noon.