

Wednesday, July 29, 2009.

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:

Almighty God, we are gathered in Your presence for this morning's formal session as we call upon You in prayer for guidance and direction. We believe that You and Your assistance enable us to address issues in a reasoned, fair, objective and ethical manner. Your presence, values and guiding principles remind us that we come together to promote the best interests of our communities and the well-being and dignity of each individual person. In this era of uneasy political and economic issues, we look to You, as elected leaders, for the wisdom to reason clearly, to listen patiently and to act prudently as we propose legislation and administrative actions. With renewed courage and hope, may we face the challenges of this and every day with confidence, hope and goodwill towards all.

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

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

Silent Prayers.

At the request of Messrs. Atsalis of Barnstable and Turner of Dennis, the members, guests and employees stood in a moment of silent prayer in respect to the memory of U.S. Marine Corporal Nicholas George Xiarhos. Corporal Xiarhos was killed by a roadside bomb on Thursday, July 23, 2009 in the Garmsir District of Afghanistan.

At the request of Representatives Callahan of Sutton and Polito of Shrewsbury, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Mary Bridget McInerney Zona of Shrewsbury. Mary died on July 23, 2009. Mary was a renowned champion Irish step dancer and founding director of the McInerney School of Irish Step Dance.

At the request of Ms. Hogan of Stow, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Edward Emmet Newman, an extraordinary public servant and community member. Edward served as Stow Town Moderator for fourteen years.

At the request of Messrs. Nangle of Lowell, Golden of Lowell, Muphy of Lowell and Costello of Newburyport, the members, guests and employees stood in a moment of silent prayer in respect to the

memory of Attorney James F. Linnehan of Lowell. James was a veteran of World War II and also served as Assistant Attorney General for the Commonwealth.

Ellen Ruberto.

At the request of Messrs. Speranzo of Pittsfield, Bosley of North Adams, Guyer of Dalton and Pignatelli of Lenox, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Ellen Ruberto, beloved wife of Pittsfield Mayor James Ruberto.

John "Jack" Medeiros.

At the request of Messrs. Sullivan of Fall River and Aguiar of Fall River, the members, guests and employees stood in a moment of silent prayer in respect to the memory of John "Jack" Medeiros. Jack served as a city councilor in Fall River for twenty-six years and was a lifelong resident of the city of Fall River.

Statement Concerning Representative Coakley-Rivera.

A statement of Mr. Vallee of Franklin concerning Ms. Coakley-Rivera of Springfield was spread upon the records of the House, as follows:

Statement concerning Representative Coakley-Rivera of Springfield.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Coakley-Rivera of Springfield, will not be present in the House Chamber for today's sitting due to illness. Her missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Creedon of Brockton.

A statement of Mr. Vallee of Franklin concerning Mrs. Creedon of Brockton was spread upon the records of the House, as follows:

Statement concerning Representative Creedon of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Creedon of Brockton, will not be present in the House Chamber for today's sitting due to personal reasons. Her missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Kafka of Sharon.

A statement of Mr. Vallee of Franklin concerning Mr. Kafka of Stoughton was spread upon the records of the House, as follows:

Statement concerning Representative Kafka of Sharon.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kafka of Stoughton, will not be present in the House Chamber for a portion of today's sitting due to a long standing family obligation. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Spellane of Worcester.

A statement of Mr. Vallee of Franklin concerning Mr. Spellane of Worcester was spread upon the records of the House, as follows:

Statement concerning Representative Spellane of Worcester.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Spellane of Worcester, will not be present in the House Chamber for today's sitting due to a long standing family obligation. His missing of roll calls today is due entirely to the reason stated.

Petitions.

Mr. Cabral of New Bedford presented a petition (accompanied by bill, House, No. 4183) of Antonio F. D. Cabral (with the approval of the mayor and city council) relative to the Nucleo Sportiguista Club of New Bedford; and the same was referred to the committee on Consumer Protection and Professional Licensure.

New Bedford,—Nucleo Sportiguista Club.

Petitions severally were presented and referred as follows:

By Ms. Richardson of Framingham, petition (subject to Joint Rule 12) of Pam Richardson relative to the right of rescission for the purchase of new motor vehicles.

Motor vehicles,—sick leave bank.

By Mr. Ross of Wrentham, petition (subject to Joint Rule 12) of Richard J. Ross and Scott P. Brown relative to establishing a sick leave bank for Susan Harper, an employee of the Department of Developmental Services.

Susan Harper,—sick leave bank.

Severally, under Rule 24, to the committee on Rules.

Mr. Swan of Springfield presented a petition (subject to Joint Rule 12) of Benjamin Swan for legislation to establish a sick leave bank for Antonio Bell, an employee of the Executive Office of Health and Human Services; and the same was referred, under Rule 24, to the committees on Rules.

Antonio Bell,—sick leave bank.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mrs. Poirier of North Attleborough, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

A Bill establishing disability history month (Senate, No. 1469) (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.

Disability history month.

Reports of Committees.

By Mr. Binienda of the Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of David Paul Linsky for legislation to require insurance coverage for registered nurse first assistant services in insurance policies and health service contracts issued in the Commonwealth. To the committee on Financial Services.

Registered nurses,—insurance.

Petition (accompanied by bill) of William Smitty Pignatelli and Benjamin B. Downing relative to Medicaid payments to critical access hospitals. To the committee on Health Care Financing.

Medicaid payments.

Petition (accompanied by bill) of Christopher J. Donelan and Stephen M. Brewer relative to privacy of certain daily police logs; and

Police logs.

Petition (accompanied by bill) of Elizabeth A. Poirier for legislation to provide visitation rights for great grandparents; Severally to the committee on the Judiciary.

Great grandparents,—visitation rights.

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

Revere,—
tenure.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that Bill repealing the tenure of the city clerk, city collector and city engineer of the city of Revere (House, No. 3708) be scheduled for consideration by the House.

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

Brookline,—
taxi
licenses.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that Bill amending Chapter 317 of the Acts of 1974 (as amended on May 19, 2006) to allow the Town of Brookline, through its Board of Selectmen, to sell taxi licenses (House, No. 3712) be scheduled for consideration by the House.

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

Orders of the Day.

House bills

Authorizing the abatement of certain property tax assessments in the town of Lexington (House, No. 1135);

Relative to the concurrent jurisdiction over the former Devens Military Base (House, No. 1996);

Authorizing the town of Fairhaven to assess as a betterment to those affected properties, the costs incurred by the town to provide design and construction data to the Federal Emergency Management Agency in order to credit the Fairhaven portion of the New Bedford Hurricane Barrier with protection of certain areas of the town of Fairhaven from flood hazard (House, No. 3473);

Establishing the Center Pond Restoration and Protection District in the town of Becket (House, No. 3701);

To establish the Sherwood Forest Lake District (House, No. 3702);

Authorizing the town of Natick to lease certain property (House, No. 3705); and

Authorizing the city of Melrose to establish traffic safety zones (House, No. 4055);

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

Second
reading
bills.

Nantucket,—
land.

The House Bill authorizing the conveyance of certain parcels of land in the town of Nantucket (House, No. 3816) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Madden of Nantucket moved to amend it by substitution of a bill with the same title (House, No. 4182), which was read.

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

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock; and at twenty-five minutes before one o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain the presence of a quorum.

Quorum.

The Chair (Mr. Donato), having determined a quorum was not present, at twenty-three minutes before one o'clock declared a recess, under Rule 82, until one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

A quorum not having been attained, the Chair (Mr. Petrolati) 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 148 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 202.

[See Yea and Nay No. 202 in Supplement.]

Therefore a quorum was present.

Emergency Measures.

The engrossed Bill providing for the issuance of certain veterans' plates by the Registrar of Motor Vehicles (see House, No. 4144, amended), which had been returned by His Excellency the Governor with recommendation of amendment, 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.

Veterans'
registration
plates.

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

Bill
re-enacted.

The engrossed Bill prohibiting health care facilities from charging for certain services (see House, No. 4145, amended), which had been returned by His Excellency the Governor with recommendation of amendment, 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.

Health care
facilities,—
charges.

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

Bill
re-enacted.

Trial Court,—
transfer
funds.

The engrossed Bill authorizing the transfer of certain funds within the Trial Court (see House, No. 4148), which had been returned by His Excellency the Governor with recommendation of amendment, 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 27 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

General fund,—
transfer funds.

The engrossed Bill providing for the transfer of certain funds to the general fund (see House, No. 4150, amended), which had been returned by His Excellency the Governor with recommendation of amendment, 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 50 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

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

District local
technical
assistance
fund.

The engrossed Bill relative to the district local technical assistance fund (see House, No. 4151, amended), which had been returned by His Excellency the Governor with recommendation of amendment, 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 34 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

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

Life sciences
investment
fund.

The engrossed Bill relative to the Massachusetts life sciences investment fund (see House, No. 4152), which had been returned by His Excellency the Governor with recommendation of amendment, 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 39 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 re-enacted without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill relative to development in the towns of Monson and Templeton (see House, No. 4153, amended), which had been returned by His Excellency the Governor with recommendation of amendment, 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.

Monson and
Templeton,—
development.

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

Bill
re-enacted.

The engrossed Bill establishing a regionalization advisory commission (see House, No. 4154, amended), which had been returned by His Excellency the Governor with recommendation of amendment, 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.

Regionalization
advisory
commission.

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

Bill
re-enacted.

Engrossed Bill.

The engrossed Bill further regulating a certain license for the sale of all alcoholic beverages not to be drunk on the premises in the town of Dracut (see House, No. 3800) (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.

Recess.

At ten minutes after two o'clock P.M., on motion of Mr. Kujawski of Webster (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after three o'clock P.M.; and at seven minutes before four o'clock, the House was called to order with Mr. Vallee of Franklin in the Chair.

Recess.

Quorum.

Quorum. Mr. Peterson of Grafton thereupon 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.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

[See Yea and Nay No. 203 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Supplementary appropriations. By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4155, reported, in part, a Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4181) [Cost: \$38,599,973.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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.

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

Pending the question on passing the bill to be engrossed, Mr. Peterson of Grafton moved that further consideration thereof be postponed, until Monday, September 21, and specially assigned to the hour of one o'clock P.M.

Motion to postpone negatived.— After debate on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 25 members voted in the affirmative and 129 in the negative.

[See Yea and Nay No. 204 in Supplement.]

Therefore the motion to postpone was negatived.

Mr. Rogers of Norwood then moved to amend the bill in section 2, in item 0330-0300, by striking out the figures "3,350,000" and inserting in place thereof the figures "5,763,063"; in item 0330-3337, by striking out the figures "950,000" and inserting in place thereof the figures "1,892,192"; in item 0333-0002, by striking out the figures "500,000" and inserting in place thereof the figures "702,478"; in item 0335-0001, by striking out the figures "150,000" and inserting in place thereof the figures "310,109" [A]; and in item 0339-1003, by striking out the figures "300,000" and inserting in place thereof the figures "788,786".

The same member then moved to amend his amendment by striking out [at "A"] the following: "; and in item 0339-1003, by striking out the figures '300,000' and inserting in place thereof the figures '788,786.'" The further amendment was adopted.

The amendments, as amended, then were rejected.

Ms. Callahan of Sutton then moved to amend the bill in section 2 by striking out item 7007-0951; and after remarks the amendment was rejected.

The same member then moved to amend the bill in section 2, in item 7007-0951, by striking out the figures "2,500,000" and inserting in place thereof the figures "1,500,000"; and the amendment was rejected.

Ms. Callahan then moved to amend the bill by inserting after section 33 the following section:

"SECTION 33A. Section 7, Chapter 92B of the General Laws as so appearing, is hereby amended by inserting the following sentence at the end thereof:— The corporation shall provide the house of representatives and the senate with a comprehensive plan indicating complete phased withdrawal of public financing no later than October 31, 2009."

Pending the question on adoption of the amendment, the same member asked for a count of the House to ascertain if a quorum was present. A count showed that 71 members were in attendance. The Chair (Mr. Vallee of Franklin) 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 151 members were recorded as being in attendance.

[See Yea and Nay No. 205 in Supplement.]

Therefore a quorum was present.

After remarks the amendment was rejected.

Ms. Callahan then moved to amend the bill in section 32 by adding the following two sentences: "The secretary of administration and finance, in consultation with the Commonwealth Health Insurance Connector Authority shall submit to the house of representatives and the senate a comprehensive report detailing efficiencies and cost saving measures associated with changes to program coverage for such populations and provide comparative analysis of program benefits in relation to other insurance programs offered by the Commonwealth Health Insurance Connector Authority. This report shall be due by no later than October 31, 2009."; and after remarks the amendment was rejected.

Mr. Hill of Ipswich then moved to amend the bill by inserting after section 33 the following section:

"SECTION 33A. Notwithstanding any general or special law to the contrary, the registry of motor vehicles shall promulgate and adopt a plan to ensure full accessibility to all registry branch service for citizens residing in the region of the Commonwealth, commonly known as the 'North Shore Region' located within Essex county, prior to the closure of the branch office currently located in the city of Beverly."

The amendment was rejected.

Mr. Welch of West Springfield then moved to amend the bill in section 2 by inserting after item 7000-9401 the following item:

"7002-0500 \$202,534";

by inserting after section 11 the following two sections:

Quorum.—
yea and nay
No. 203.

Supplementary
appropriations.

Motion to
postpone
negatived.—
yea and nay
No. 204.

Quorum.

Quorum.—
yea and nay
No. 205.

Supplementary appropriations.

“SECTION 11A. Section 6K of said chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words ‘justices of the superior court’ and inserting in place thereof the following words:— clerk of courts for the county of Hampden.

SECTION 11B. Section 6L of said chapter 221, as so appearing, is hereby amended by striking out, in line 1, the words ‘justices of the superior court’ and inserting in place thereof the following words:— clerk of courts for the county of Hampden.”; by inserting after section 20 the following section:

“SECTION 20A. Item 7070-0065 of said section 2 of said chapter 27 is hereby amended by striking out the words ‘; provided, that all scholarship programs receiving funding through this item shall follow the same guidelines as detailed in item 7070-0065 in section 2 of chapter 182 of the acts of 2008’ ”; and by inserting after section 23 (as published) the following section:

“SECTION 22A. Said section 2 of said chapter 27 is hereby amended by striking item 8910-2222 and inserting in place thereof the following item:—

8910-2222 For the Hampden sheriff’s department which may expend for the operation of the department which may amount not to exceed \$1,500,000 from federal inmate reimbursements; provided, that \$312,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system \$1,500,000”;

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 126 members voted in the affirmative and 27 in the negative.

[See Yea and Nay No. 206 in Supplement.]

Therefore the bill (House, No. 4181, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently the bill came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with amendments in section 30 (as published), in line 583, striking out the words “secretary of education” and inserting in place thereof the words “president of the university of Massachusetts”; by inserting the following section:

“SECTION 14A. Section 2 of chapter 27 of the acts of 2009 is hereby amended in item 1233-2350 by striking out the figure ‘936,376,140’

Bill passed to be engrossed,—yea and nay No. 206.

and inserting in place thereof the following figure:— 936,437,803.”; and by inserting after section 33 (as published) the following section:

“SECTION 32A. The department of correction shall not suspend, terminate, reduce services or otherwise divert clients of the Massachusetts alcohol and substance abuse center until such time as the department files a displacement plan for the center’s clients to the house and senate committee on ways and means, the joint committee on public safety and homeland security and the joint committee on mental health and substance abuse; provided, however, that if such a plan shall be filed, the plan shall not take effect sooner than 90 days from the date that such plan has been filed with said committees.”.

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.

Papers from the Senate.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 1153; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith county sheriffs to the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) of the Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2045), recommending the passage of a Bill transferring county sheriffs to the Commonwealth (Senate, No. 2119), came from the Senate with the endorsement that it have been accepted by said branch [a communication was also received from the Senate, identifying a technical correction to section 19 of the bill that was not in the printed copy].

Under suspension of the rules, on motion of Mr. Walsh of Lynn, the report of the committee of conference was considered forthwith.

After debate on the question on acceptance of the report, in concurrence, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 152 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 207 in Supplement.]

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

Recess.

At ten minutes after six o’clock P.M., on motion of Mr. Rogers of Norwood (Mr. Vallee of Franklin being in the Chair), the House recessed until a quarter after seven o’clock P.M.; and at half past seven o’clock, the House was called to order with Mr. Donato in the Chair.

County sheriffs.

Committee of conference report accepted,—yea and nay No. 207.

Recess.

Papers from the Senate.

Westborough,—
property. The House Bill relative to the disposition of property in the town of Westborough (House, No. 3147) came from the Senate passed to be engrossed, in concurrence, with amendments inserting after section 2 (as changed by the committee on Bills in the Third Reading) the following two sections:

“SECTION 2A. The first sentence of section 6 of said chapter 660 is hereby amended by striking out, in line 6, the words ‘nursery and’ and inserting in place, thereof the following words:— ‘nursery, a municipal firing range or’.

SECTION 2B. The commissioner of capital asset management and maintenance may execute and deliver to the town of Westborough such amended deed, in accordance with section 6 of chapter 660 of the acts of 1987, or other document as the commissioner deems reasonable and appropriate to effect the purposes of section 2A.”.

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, 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.

Nantucket,—
Muskeget
Island. The House Bill authorizing the town of Nantucket to convey or otherwise dispose of a parcel of land on Muskeget Island in the town of Nantucket (House, No. 4134) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in lines 3 and 4, by striking out the words “, a government body of the commonwealth or a non-profit organization whose mission is to conserve natural resources or otherwise dispose.”.

Under suspension of Rule 35, on motion of Mr. Madden of Nantucket, 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.

Emergency Measures.

County
sheriffs. The engrossed Bill transferring county sheriffs to the Commonwealth (see Senate, No. 2119), 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 13 to 0. Sent to the Senate for concurrence.

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

Mortgage
licensing. The engrossed Bill adopting the federal secure and fair enforcement for mortgage licensing act of 2008 (see House, No. 4178), 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 17 to 0. Sent to the Senate for concurrence.

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

Bill
enacted.

Recess.

At twenty-two minutes after eight o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until five minutes before nine o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Suspension of Rule 1A.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Suspension of
Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 131 members voted in the affirmative and 20 in the negative.

Rule 1A
suspended,—
yea and nay
No. 208.

[See Yea and Nay No. 208 in Supplement.]

Therefore Rule 1A was suspended.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the town of Nantucket to convey or otherwise dispose of a parcel of land on Muskeget Island in the town of Nantucket (see House, No. 4134, 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.

Nantucket,—
Muskeget
Island.

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

Bill enacted
(land taking),—
yea and nay
No. 209.

[See Yea and Nay No. 209 in Supplement.]

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

Emergency Measures.

The engrossed Bill relative to the disposition of property in the town of Belchertown (see House, No. 3147, 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.

Belchertown,—
property.

Belchertown,—
property.

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 80 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 put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 210.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 210 in Supplement.]

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

Supplementary
appropriations.

The engrossed a Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4181, 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 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

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

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

At twenty seven minutes after eleven o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.