

JOURNAL OF THE HOUSE.

Friday, July 30, 2010.

Met according to adjournment, at twelve o'clock noon, 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).

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. Pledge of allegiance.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to time-share ownership (see House, No. 4803) (for message, see House, No. 4960) was filed this day in the office of the Clerk. Time-share ownership.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment."

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Pedone of Worcester, to the committee on Bills in the Third Reading.

Statement Concerning Representative Creedon of Brockton.

A statement of Mrs. Haddad of Somerset concerning Mrs. Creedon of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House that I will not be present in the House Chamber for today's sitting and tomorrow's sitting due to my attendance at a family wedding outside of the Commonwealth. My missing of roll calls today and tomorrow will be due entirely to the reason stated. Statement concerning Mrs. Creedon of Brockton.

Special Staff Recognitions.

During the Session, the Chair (Mr. Petrolati of Ludlow), on behalf of Representative Binienda of Worcester, recognized Kristen Beilman, the Clerk of the Committee on Rules, who is departing to further her education as she pursues a master's degree in Washington, D.C. Kristen Beilman.

During the Session, Mr. Linsky of Natick briefly took the Chair for the purpose of introducing, upon their departure from service, three valued staff members from his office, Meredith Ballou, Katy Bruck and Laura Musano, who were seated in the House Chamber. Staff members, Ballou, Bruck and Musano.

Papers from the Senate.

A Bill to establish standards for long term care insurance (Senate, No. 2554, amended in section 1, in line 6, by inserting after the word "institutionalized" the words "or permanently receiving care at home"; Long term care insurance.

Long term
care
insurance.

in section 2, in lines 62 to 68, inclusive, by striking out the text contained therein, in line 174, by striking out the word "may" and inserting in place thereof the word "shall", in line 315, by striking out the figure "8", in line 316, striking out the figure "4" and inserting in place thereof the figure "8", and also in line 316, by striking out the figures "24" and inserting in place thereof the figures "12"; and in section 3, in line 387, by inserting after the word "Actuaries" the words "Mass Home Care") (on Senate bill No. 2476), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Financial
literacy.

Concerning financial literacy in schools (Senate, No. 2275) (on Senate No. 299 and House Nos. 374, 375, 377, 407 and 478);

School
council.

Establishing the Massachusetts after school and out of school time coordinating council (Senate, No. 2278) (on Senate Nos. 250 and 276 and House No. 515);

Children,—
disabilities.

To improve augmentative and alternative communication opportunities for children (Senate, No. 2579) (on Senate bill No. 2293);

Contracts,—
decisions.

Relative to timely decisions by awarding authorities (Senate, No. 2580) (on Senate bill No. 2494); and

Automotive
industry
practices.

Further regulating business practices between motor vehicle dealers, manufacturers, and distributors (Senate, No. 2581) (on Senate bill No. 2508); Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

Dual alcohol
licensures.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to limiting certain types of dual alcohol licensures (Senate, No. 169, amended) be scheduled for consideration by the House.

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

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Further regulating above ground tanks used for the storage of certain fluids (see Senate, No. 914) (which originated in the Senate);

Relative to deposits in trust for other persons (see House, No. 999);

Relative to the board of directors of the Massachusetts Water Resources Authority (see House, No. 3807);

Relative to health insurance and other benefits in the town of Phillipston (see House, No. 4196);

Relative to certain banking laws (see House, No. 4341);

Relative to disabled firefighters (see House, No. 4463);

Relative to the Massachusetts credit union share insurance corporation (see House, No. 4483);

Establishing the Massachusetts food policy council (see House, No. 4568, amended);

Exempting all positions in the police department of the town of Provincetown from the civil service law (see House, No. 4656);

Authorizing licensed independent clinical social workers to apply for the emergency hospitalization of persons who pose a risk of harm to themselves or others due to mental illness (see House, No. 4681); and

Relative to retirement benefits for Stanley Daoust (see House, No. 4709, amended);

(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.

Recess.

At half past twelve o'clock P.M., on motion of Mr. Jones of North Reading (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 after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Papers from the Senate.

The House Bill relative to pension divestment from certain companies that invest in the Republic of Iran (House, No. 4297, amended) (its title having been changed by the Senate committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section:

Republic of
Iran,—
divestment.

"SECTION 8. The treasurer shall conform all public fund investments related to companies doing business with Iran with the foreign policy of the United States of America and with 22 U.S.C. 8532."

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

Mr. Cabral and other members of the House then moved that the House concur with the Senate in its amendment with a further amendment by striking out section 8 (inserted by amendment by the Senate) and inserting in place thereof the following section:

"SECTION 8. The treasurer shall conform all public fund investments related to companies doing business with Iran with 22 U.S.C. § 8532."

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The House Bill adding safeguards to the prescription monitoring program (House, No. 4879, amended) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Prescription
monitoring
program.

Prescription
monitoring
program.

Striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2575; and striking out the title and inserting in place thereof the following title: "An Act adding safeguards to the prescription monitoring program and furthering substance abuse education and prevention."

Under suspension of Rule 35, on motion of Sánchez of Boston, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Mr. Sánchez and other members of the House then moved that the House concur with the Senate in its amendments with a further amendment by striking out section 4 (inserted by amendment by the Senate); and the further amendment was adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

Novelty
lighters.

The House Bill prohibiting the use of novelty lighters (House, No. 4369, amended) 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 2578.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, 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.

Becket,—
pond
restoration.

The House Bill establishing the center pond restoration and protection district in the town of Becket (House, No. 3701) 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 2279.

Under suspension of Rule 35, on motion of Mr. Guyer of Dalton, 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.

Brewster,—
renewable
energy
projects.

The House Bill authorizing the town of Brewster to use certain town-owned land for general town purposes, including renewable energy projects (House, No. 4450, amended) (its title having been changed by the Senate committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 3 and inserting in place thereof the following three sections:

"SECTION 3. As a condition of the change in use authorized in section 1, if the parcel is used for renewable energy development purposes, the town of Brewster shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission and such parcel shall be dedicated for conservation, park or water protection purposes. If no suitable parcel is available for transfer to the conservation commission, the town shall acquire a parcel of land or a conservation restriction as defined in section 31 of chapter 184 of the General Laws upon private or public land. Any land so acquired shall

be placed under the jurisdiction of the conservation commission and shall be dedicated or restricted to conservation, park or water protection purposes. The parcel dedicated pursuant to this section, shall be of equal or greater size and value for conservation, park or water supply purposes as the disturbed area of the parcel described in section 1.

SECTION 4. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the use of the land shall revert to the town of Brewster for conservation, water supply or public park purposes.

SECTION 5. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Turner of Dennis, 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 House Bill relative to National Heritage commissions and corridors in the Commonwealth (House, No. 4492) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 5, inserting after the word "areas" (as changed by the House committee on Bills in the Third Reading) the words "designation by the United States Congress" and, in lines 7 to 10, inclusive, striking out the following: "as established in the Federal Omnibus Parks and Public Lands Management Act of 1996, division II, title V, section 504 of Public Law 104-133, and being in compliance with the federal Executive Office of Management and Budget's Circulars A-110, A-122, and A-133"; striking out section 4 and inserting in place thereof the following section:

"SECTION 4. Each state agency, department, board and commission: (1) shall consider Massachusetts' Heritage Areas when developing planning documents and processes, and (2) may partner with the managing entities of such areas on projects concerning, but not limited to, environmental protection, heritage resource preservation, recreation, tourism and trail development."; 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 recognize certain National Heritage Areas as entities in the service of the public good, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act relative to national heritage areas."

Under suspension of Rule 35, on motion of Mr. Fennell of Lynn, 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.

The House Bill authorizing the city known as the town of Amesbury to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4818) (its title having been changed by the Senate committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 3, striking out the following: "Peter

National
heritage
areas.

Amesbury,—
liquor
license.

Suorsa d/b/a Apps B Taps,” and inserting in place thereof the following: “Apps N’ Taps, LLC, located”.

Under suspension of Rule 35, on motion of Mr. Costello of Newburyport, 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.

Mendon,—
ballot
question.

The House Bill directing the State Secretary to place the office of selectmen on the state election ballot in the town of Mendon (House, No. 4849) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 2 the following section:

“SECTION 2A. Notwithstanding any general or special law to the contrary, the board of registrars shall complete certification of signatures on such nomination on or before 5:00 P.M. on August 17, 2010.”.

Under suspension of Rule 35, on motion of Mr. Fernandes of Milford, 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.

Harvard,—
senior
housing.

The House Bill providing an easement for affordable senior apartments in the town of Harvard (House, No. 4850) came from the Senate passed to be engrossed, in concurrence, with an amendment in line 8 inserting after the word “road” (as changed by the committee on Bills in the Third Reading) the words “or to the Harvard Conservation Trust or to both the owners of the land and the Harvard Conservation Trust”.

Under suspension of Rule 35, on motion of Ms. Benson of Lunenburg, 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.

Reports of Committees.

Expanded
gaming.

Mr. Dempsey of Haverhill, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530; and 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 establish and regulate forthwith gaming in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619, amended), reported, as follows:

Id.

In part, recommending passage of a bill with the same title (House, No. 5000) (having been reported by the House committee on Bills in the Third Reading to be correctly drawn, the Senate committee on Bills in the Third Reading having reported asking to be discharged from further consideration of the bill).

Id.

On the residue, recommending passage of a bill with the same title (House, No. 5001) (having been reported by the House committee on Bills in the Third Reading to be correctly drawn, the Senate committee

on Bills in the Third Reading having reported asking to be discharged from further consideration of the bill).

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

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling then reported, in each instance, that the matter be scheduled for consideration by the House.

Under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

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

Rockland,—
Memorial Park.

Relative to the appointment of retired police officers in the town of Whitman (House, No. 4854) [Local Approval Received]; and

Whitman,—
retired police.

Bill further amending chapter 407 of the acts of 1983 establishing the Mattapoissett River Valley Water Supply protection advisory committee (House, No. 4858).

Mattapoissett
River Valley
Water Supply.

Under suspension of Rule 7A, in each instance, on motion of Mr. Kafka, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Moran of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating the results of the special town election held in the town of Wenham on December 17, 2009 (printed in House, No. 4948). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Wenham,—
election.

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 Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a message from His Excellency the Governor, a Bill validating the actions taken at an annual town meeting held in the town of Essex (printed in House, No. 4950). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Essex,—
validate
acts.

Mr. Kafka of Stoughton, for said committee, then 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. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill further regulating workers’ compensation insurance (Senate, No. 2375, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Workers’
insurance.

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.

Greenfield,—
land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill authorizing certain changes in the lease of a certain parcel of land in the town of Greenfield (Senate, No. 2481) 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.

Spencer,—
land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill 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) 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.

West
Boylston,—
land.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston (House, No. 4958). Read; and referred, under Rule 33, to the committee on Ways and Means.

Subsequently Mr. Murphy of Burlington, for said committee, reported that the bill 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 the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Gardner,—
land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the city of Gardner to convey certain land under the control of the Gardner conservation commission (printed in House, No. 4949) ought to pass with an amendment in line 14 by striking out the words "said parcel of land" and inserting in place thereof the following "parcel of land described in section 1". 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 bill (printed in House, No. 4949, amended) was ordered to a third reading.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on a recommitted petition, a Bill relative to the purchase of flags in the Commonwealth (House, No. 1157). Read; and referred, under Rule 33, to the committee on Ways and Means.

Flags,—
purchasing.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Milford to issue an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 4936) [Local Approval Received].

Milford,—
alcoholic
beverages.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4937) [Local Approval Received].

Id.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Milford to issue an additional license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4938) [Local Approval Received].

Id.

By the same member, for the same committee, on House, No. 4848, a Bill authorizing the town of Bolton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (House, No. 4961) [Local Approval Received].

Bolton,—
alcoholic
beverages.

By the same member, for the same committee, on House, No. 4895, a Bill authorizing the town of Dracut to grant a license for the sale of wines and malt beverages not to be drunk on the premises (House, No. 4962) [Local Approval Received].

Dracut,—
alcoholic
beverages.

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 Bill to sustain community preservation (printed as Senate, No. 90, changed) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Real estate
land banks.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill further regulating animal control (Senate, No. 2172) ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4956.

Animal
control,—
regulating.

By the same member, for the same committee, that the Bill relative to home service contracts (House, No. 987) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4957).

Home
service,—
contracts.

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

Engrossed Bills — Land Takings.

North Andover. The engrossed Bill modifying a conservation restriction in the town of North Andover (see House, No. 598) (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. 476. 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 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 476 in Supplement.]

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

Cambridge,— easements. The engrossed Bill authorizing the city of Cambridge to grant a permanent easement to the Commonwealth and over certain strips of land owned by the city of Cambridge (see House, No. 4874) (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. 477. 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.

[See Yea and Nay No. 477 in Supplement.]

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

Sherborn,— town forest. The engrossed Bill authorizing the town of Sherborn to use certain town forest land (see House, No. 4585) (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. 478. On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 478 in Supplement.]

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

Cambridge,— boat ramp. The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease a boat ramp in the city of Cambridge (see House, No. 4482, 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),— 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 153 members voted in the affirmative and 0 in the negative.

yea and nay No. 479.

[See Yea and Nay No. 479 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 lease of a certain parcel of state-owned land to Plimoth Plantation (see House, No. 4510) (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.

Plimoth Plantation.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill enacted (land taking),— yea and nay No. 480.

[See Yea and Nay No. 480 in Supplement.]

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

Motion to Discharge a Certain Matter in the Orders of the Day.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate further amendments to the House amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4886) of the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Finegold of Andover.

Land based wind projects.

After debate on the question on acceptance of the report of the committee of conference, Mr. Hill of Ipswich 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 147 members were recorded as being in attendance.

Quorum,— yea and nay No. 481.

[See Yea and Nay No. 481 in Supplement.]

Therefore a quorum was present.

After further debate on the question on acceptance of the report of the committee of conference, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 96 members voted in the affirmative and 57 in the negative.

Conference committee report accepted,— yea and nay No. 482.

[See Yea and Nay No. 482 in Supplement.]

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

Emergency Measures.

Tips,—
pooling. The engrossed Bill relative to the pooling of tips (see House, No. 4814, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

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.

Somerville,—
housing authority. The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville housing authority (see Senate, No. 2286, 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 9 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. 483. 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 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 483 in Supplement.]

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

Boston,—
M.B.T.A. land. The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to transfer the control of certain land in the city of Boston to the Massachusetts Bay Transportation Authority (see House, No. 4778), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Bill enacted (land taking),— 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 153 members voted in the affirmative and 0 in the negative. yea and nay No. 484.

[See Yea and Nay No. 484 in Supplement.]

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

Tewksbury,—
land. The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury (see House, No. 4822), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) 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 153 members voted in the affirmative and 0 in the negative. Bill enacted (land taking),— yea and nay No. 485.

[See Yea and Nay No. 485 in Supplement.]

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

Cambridge,—
easements. The engrossed Bill authorizing the granting of easements upon land of the Commonwealth located in the city of Cambridge (see House, No. 4875), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) 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 153 members voted in the affirmative and 0 in the negative. Bill enacted (land taking),— yea and nay No. 486.

[See Yea and Nay No. 486 in Supplement.]

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

Salisbury,—
land.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Salisbury (see House, No. 4929), 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 9 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. 487.

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

[See Yea and Nay No. 487 in Supplement.]

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

Boston,—
easements.

The engrossed Bill authorizing the city of Boston to grant permanent volumetric easements relative to vertical transportation improvements over certain parcels of land in the city of Boston (see House, No. 4806) (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. 488.

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. 488 in Supplement.]

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

Engrossed Bill.

Ashfield,—
election.

The engrossed Bill validating action taken at a special town election held in the town of Ashfield (see House bill printed in House, No. 4612) (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 (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.

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

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:

Relative to credit union shares and deposits (Senate, No. 468);

Credit unions.
Brimfield,—
land.

Releasing certain land in the town of Brimfield from an agricultural preservation restriction (Senate, No. 2221); and

Authorizing the Commonwealth to convey a certain parcel of land in the town of Dartmouth (Senate, No. 2553) (its title having been changed by the committee on Bills in the Third Reading);

Dartmouth,—
land.

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:

Bill relative to the taking of striped bass (House, No. 799) (its title having been changed by the committee on Bills in the Third Reading);

Striped
bass.

Bill designating a portion of Interstate 290 as the Michael Simonelli and Michael Gabriele Overpass (House, No. 3171);

I-290
overpass.

Bill relative to the other post employment benefits trust fund of the town of Belmont (House, No. 4223) (its title having been changed by the committee on Bills in the Third Reading);

Belmont,—
trust
fund.

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

East
Bridgewater.

Bill authorizing the town of Southbridge to match debt repayment for school projects to the retirement of other outstanding debt (House, No. 4695);

Southbridge,—
debt.

Bill authorizing the city of Everett to create an inspectional services department in the city of Everett (House, No. 4697);

Everett,—
inspections.

Bill authorizing the town of Hingham to designate a check off box on its tax bills (House, No. 4714);

Hingham,—
tax bills.

Bill providing health insurance for Richard D. Valcourt (House, No. 4776) (its title having been changed by the committee on Bills in the Third Reading);

Richard D.
Valcourt.

Bill 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 alcoholic beverages (House, No. 4846) (its title having been changed by the committee on Bills in the Third Reading);

Pepperell,—
liquor
question.

Bill authorizing the leasing of a certain parcel of land in the town of Grafton to the United States Department of Labor and authorizing the conveyance or lease of certain surplus state-owned properties (House, No. 4892, amended) (its title having been changed by the committee on Bills in the Third Reading);

Grafton,—
land.

Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the Department of Health and Human Services (House, No. 4921);

Cheryl A.
Cole.

Bill establishing a sick leave bank for Christopher Lemoing, an employee of the Plymouth County sheriff's department (House, No. 4925); and

Christopher
Lemoing.

Bill relative to the certification of Hull public library (House, No. 4954); Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

Hull,—
library.

Seafood marketing.

The House Resolve providing for an investigation and study by a special commission relative to seafood marketing (House, No. 4872, amended) (its title and type of legislation having been changed by the committee on Bills in the Third Reading), 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. After debate the resolve was passed to be engrossed. Sent to the Senate for concurrence.

Flea markets.

The Senate Bill relative to flea market vendors (Senate, No. 2282, amended), reported 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 in concurrence, the same member moved to amend the bill (as previously amended by the House) by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. A vendor operating under an agreement with a licensed promoter, as defined in section 1 of chapter 101 of the General Laws, inserted by section 3, shall not be required to apply and pay a fee for a license authorizing the sale of goods, wares and merchandise within a municipality as required by section 5 of said chapter 101 unless, on the effective date of this act, the municipality requires such a vendor to pay a fee under said section 5 of said chapter 101, or under any other statute, local by-law, regulation or policy, in which case, notwithstanding any general or special law to the contrary, said municipality may continue to charge such fees in accordance with said section 5 of said chapter 101 or pursuant to such other statute, local by-law, regulation and policy.”

The amendment was adopted; and the bill (Senate, No. 2282, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4941, as amended).

Substance abuse.

The House Bill relating to controlled substances and medical treatment (House, No. 1653), 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.

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

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by substitution of a Resolve providing for an investigation and study by a special commission relative to certain legal protections for persons seeking emergency medical care for a drug overdose (House, No. 4959), which was read.

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

Third reading bill amended.

The House Bill relative to the development of air rights over the Massachusetts Turnpike (House, No. 3364), 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.

Pending the question on passing the bill to be engrossed, Ms. Walz of Boston and other members of the House moved to amend it by striking out sections 1 and 2 and inserting in place thereof the following two sections:

“SECTION 1. Section 46 of chapter 6C of the General Laws is hereby amended by striking out the second paragraph.

SECTION 2. Said section 46 of chapter 6C is hereby further amended by striking out the fourth paragraph, and inserting in place thereof the following paragraph:

The construction or occupancy of any building or other thing erected or affixed under any lease under this section of air rights shall be subject to the building, fire, garage, health and zoning laws and the building, fire, garage, health and zoning ordinances, by-laws, rules and regulations applicable in the city or town in which such building or other thing is located.” The amendment was adopted; and the bill (House, No. 3364, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At ten minutes after six o'clock P.M. on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of seven o'clock P.M.; and at twenty-five minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

Emergency Measure.

The engrossed Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (see Senate, No. 2449, 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.

Water storage facilities.

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 10 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill conveying certain property to the town of Sherborn (see House, No. 4783) (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.

Sherborn,—property conveyance.

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. 489.

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. 489 in Supplement.]

Therefore the bill 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 the following day at eleven o'clock A.M.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at thirteen 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 adjourned, to meet on the following day at eleven o'clock A.M.