

Tuesday, July 31, 2012.

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).

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.

Heath,—
validate
election.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the May 12, 2012 annual town meeting and the May 11, 2012 annual town election in the town of Heath (House, No. 4353), was filed in the office of the Clerk on Monday, July 30, 2012.

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

Westminster,—
validate
acts.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the acts, votes and proceedings of the 2012 spring annual town meeting and the 2012 spring special town meeting of the town of Westminster (House, No. 4354), was filed in the office of the Clerk on Monday, July 30, 2012.

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

Silent Prayer.

Westfield
Police Officer
Jose Torres.

During the session, the Speaker took the Chair and, at the request of Mr. Humason of Westfield, the members, guests and employees stood in a moment of silent tribute to the memory of Officer Jose Torres, a twice-decorated, 27 year veteran of the Westfield Police Department.

Officer Torres was killed on July 26 when he was accidentally struck by a dump truck while working a detail at a construction site in Westfield. He was 53 years old.

Officer Torres leaves his wife Kara, his two sons Jay and Christopher, his mother Maria, his brother Jesus Torres, Jr. and his fiancée Cindy Alamed, his sister Idalia Torres, his brother Daniel Torres and his wife Sandra, his mother-in-law Sharon Dominik and many other friends and family members. He now joins his father Jesus Torres in Heaven.

His brothers and sisters in blue, along with the entire city of Westfield, will miss him for his professionalism, personality, friendly smile, and his love of his job, family, and community.

Officer Torres was also a veteran of the United States Army.

Valedictory Address.

The Speaker having taken the Chair,—

Representative Murphy of Burlington, who would soon be resigning from the House, then addressed the House regarding his departure from service. Valedictory Address.

Engrossed Bills.

Mr. Donato of Medford being in the Chair,—

Engrossed bills

Relative to competitively priced electricity in the Commonwealth (see Senate, No. 2395) (which originated in the Senate); Bills enacted.

Establishing a reserve fund for credit unions (see House, No. 2073); and

Relative to payment for use of ambulance services (see House, No. 3917, 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.

Reports of Committees.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (Senate, No. 2385, 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 4356. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Hinsdale,—land.

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

Under suspension of Rule 7A, on motion of Mr. Kafka, 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. O'Day of West Boylston, 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. The bill (Senate, No. 2385 amended) then was sent to the Senate for concurrence in the amendment.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, Nos. 9, 11, 23, 24, 27, 28, 29, 30, 31, 40, 41, 42, 382, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 439, 440, 441, 443, 444, 445, 446, 447, 448, 449, 451, 452, 453, 455, 456, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 488, 489, 490, 491, 492, 493, 494, 495, 496, Judiciary,—study.

Judiciary,—
study.

497, 498, 499, 500, 501, 503, 504, 505, 506, 507, 508, 509, 510, 512, 513, 514, 515, 516, 518, 519, 520, 521, 522, 524, 525, 526, 527, 528, 1274, 1275, 1276, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1388, 1389, 1390, 1835, 1836, 1837, 1838, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2257, 2258, 2259, 2260, 2262, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2684, 2793, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2825, 2826, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 3137, 3138, 3139, 3140, 3141, 3142, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3230, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3330, 3340, 3358, 3359, 3360, 3361, 3362, 3385, 3441, 3471, 3516, 3518, 3545, 3559, 3569, 3587, 3631, 3636, 3681, 3682, 3729, 3743, 3744, 3766, 3768, 3840, 3884, 3905, 3913, 3934, 3978, 3987, 4004, 4050, 4055, 4057, 4068, 4069, and 4279, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning matters relative to judiciary related issues (House, No. 4364). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Binienda, for said committee on Rules, on the foregoing Order, then reported, in part, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1278) of Ruth B. Balsler and others relative to the identification and treatment of the mentally ill in prisons; and

Mentally ill prisoners.

Of the petition (accompanied by bill, House, No. 3729) of Marcos A. Devers and others (with the approval of the mayor and city council) for legislation to authorize the city of Lawrence to establish a program for enforcement against illegal dumping;

Lawrence,—
illegal
dumping.

And recommending that the same severally be recommitted to the committee on the Judiciary.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Costello of Newburyport, for the committee on Financial Services, on Senate, No. 442, a Bill relative to carrier reporting of financial information (House, No. 4363).

Financial information.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, No. 1278, a Bill relative to the treatment of mentally ill in prisons (House, No. 4372).

Mentally ill prisoners.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, No. 3729, a Bill authorizing the city of Lawrence to establish a program for enforcement against illegal dumping (House, No. 4373) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Lawrence,—
illegal
dumping.

Recess.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty minutes before one o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

Papers from the Senate.

The House Bill authorizing the town of Maynard to temporarily transfer a certain parcel of recreation land for a large scale photovoltaic system (House, No. 4335), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 11, adding the following sentence: "The transfer authorized in this section shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.;" and striking out section 4 and inserting in place thereof the following two sections:

Maynard,—
land.

"SECTION 4. As a condition of the transfer authorized in section 1, the town of Maynard shall transfer a parcel of land under the care, custody, management and control of the board of selectmen for general municipal purposes to the conservation commission to be used for permanent conservation purposes. If no suitable parcel can be transferred for conservation purposes, the town shall acquire a parcel of land or a conservation easement, as defined in section 31 of chapter 184 of the General Laws. Such land or easement shall be

Maynard,—
land.

dedicated to conservation purposes and placed under the jurisdiction of the conservation commission. The parcel dedicated pursuant to this section shall be of equal or greater size and value for conservation purposes than the parcel described in section 1, as determined by the conservation commission.

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

Under suspension of Rule 35, on motion of Ms. Hogan of Stow, 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.

Worcester,—
land.

The House Bill authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester (House, No. 4033), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, inserting after the word “building” the words “in its current footprint and structure, and any additions and supporting spaces due to the grade characteristic requirements of the architectural access board and the Americans With Disabilities’ Act,”;

In line 5, inserting after the word “bank”, the words “and for the construction of an independent structure for a remote teller and automated teller machine; provided, however, that these structures shall be renovated or constructed in conformance with historic preservation standards acceptable to the city manager for use as a retail branch of the bank”;

In line 11, adding the following 2 sentences: “The community meeting room and related amenities shall consist of at least 51 per cent of the entire first floor of the building. The 3.0 acre lease shall include at least 6 spaces dedicated for the sole purpose of parking for Elm Park users and the community room and the remaining parking spaces shall be available to users of Elm Park and the community room after bank hours”, and

In line 27, adding the following sentence “A conveyance under this section shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws.”;

In section 2, in line 33, adding the following sentence: “The income from the leases authorized in this section shall be dedicated to the management and improvement of Elm Park.”;

Striking out sections 6 to 9, inclusive, and inserting in place thereof the following two sections:

“SECTION 6. In consideration for and as a condition of the conveyances, changes of use and leases authorized in sections 1, 2, 4 and 5, the city of Worcester, individually or together with the Greater Worcester Land Trust, shall record a permanent conservation restriction meeting the requirements of sections 32 and 33 of chapter 184 of the General Laws over approximately 4.6 acres of land along Plantation parkway and adjacent to Green Hill Park currently owned by the commonwealth under the care and control of the University of Massachusetts and formerly of the Worcester Business Development Corporation and being a triangle in the westernmost section of Worcester assessor’s Parcel 57-004-00A-2 and described in a plan on file with the city of Worcester department of public works and parks, and in furtherance of the purposes of this provision, the University of

Massachusetts, any of its entities, and any other state department, agency or entity involved, shall have any authority under this act which is necessary and proper to approve and grant such permanent conservation restriction over the property described in this section.

SECTION 7. The city of Worcester shall prepare and record in the Worcester district registry of deeds the plans of land describing the precise boundaries of the parcels of land altered pursuant to this act.”; 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 authorize forthwith the conveyance, lease and change of use of certain park lands in the city of Worcester, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

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

Reports of Committees.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill providing for the licensing of applied behavior analysts (Senate, No. 2379, 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 4355.

Behavior
analysts.

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

Under suspension of Rule 7A, on motion of Mr. Scibak of South Hadley, 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. 2379, amended) was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to provide access to hearing aids for children (House, No. 52, changed), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hearing
aids.

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

Under suspension of Rule 7A, on motion of Mr. Garballey of Arlington, 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. O’Day of West Boylston, 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 providing hearing aids for children.”. Sent to the Senate for concurrence.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to provide incentives for productive workers compensation audits (House, No. 532), ought to pass with an amendment substituting

Workers
compensation
audits.

Workers
compensation
audits.

therefor a bill with the same title (House, No. 4357). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Kafka, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the substituted bill (House, No. 4357) was ordered to a third reading.

Bail
fees.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to bail fees (House, No. 2828), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4358). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Kafka, 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.

Subsequently under suspension of the rules, on motion of Mr. O'Day of West Boylston, 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. The bill (House, No. 4358) then was sent to the Senate for concurrence.

Dental
benefits'
corporations.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to financial services contracts for dental benefits corporations (House, No. 3916), ought to pass 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. 4265), pending. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Kafka, 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 (House, No. 4265) was ordered to a third reading.

Cleft palate
and lip.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the treatment of cleft palate and cleft lip (House, No. 3928), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. Garballey of Arlington, 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. O'Day of West Boylston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the senate for concurrence.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on House, No. 2847, a Bill restoring free speech (House, No. 4361). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Elections,—
free
speech.

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

Under suspension of the rules, on motion of Mr. O'Flaherty, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Michlewitz of Boston, the bill was read a third time forthwith.

The committee on Bills in the Third Reading then reported recommending that the bill be amended by substitution of House Resolutions memorializing the Congress of the United States to pass and send to the states for ratification a constitutional amendment to restore the first amendment and for fair elections to the people (House, No. 4374); and the report was accepted.

Pending the question on adoption of the amendment, Mr. Michlewitz moved to amend it by substitution of House Resolutions memorializing the Congress of the United States to pass and send to the states for ratification a constitutional amendment to restore the first amendment and fair elections to the people (House, No. 4375). The further amendment was adopted (thus precluding a vote on the resolutions recommended by the committee on Bills in the Third Reading).

The substituted resolutions (House, No. 4375) then also were adopted.

Reports

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. 102) of Garrett J. Bradley, Kathi-Anne Reinstein and others for legislation to ensure that independent repair facilities in the Commonwealth have access to information related to the proper and complete diagnosis, service and repair of motor vehicles; and. Independent
repair
facilities.

Of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by resolve, House, No. 1016) of Kevin J. Murphy and Thomas A. Golden, Jr., for an investigation by a special commission (including members of the General Court) relative to the ability of independent auto repair businesses to repair automobiles after the expiration of any warranty; Independent
auto repair
businesses.

Severally were considered forthwith under suspension of the rules, on motions of Mr. Speliotis of Danvers. Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on further motion of the same member.

Ms. Reinstein of Revere being in the Chair,—

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Fall River,—
Andrews
Bridge.

Fall River,—
Andrews
Bridge.

Joint Rule 12 be suspended on the joint petition of David B. Sullivan and Michael J. Rodrigues relative to designating a certain bridge in the city of Fall River in honor Army Specialist Scott A. Andrews. Under suspension of the rules, on motion of Mr. Sullivan of Fall River, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Engrossed Bills — Land Takings.

Canton,—
conservation
restrictions.

The engrossed Bill relative to certain conservation restrictions in the town of Canton (see House, No. 4103, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 350.

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. 350 in Supplement.]

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

Orange,—
land.

The engrossed Bill authorizing the town of Orange to convey a certain parcel of land (see House, No. 4009, changed and 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. 351.

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. 351 in Supplement.]

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

Maynard,—
land.

The engrossed Bill authorizing the town of Maynard to transfer a certain parcel of conservation land (see House, No. 4336) (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. 352.

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. 352 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 emergency service response of public utility companies (see Senate, No. 2143, 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.

Utility companies,—
emergency
response.

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 put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Keenan of Salem; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill enacted,—
yea and nay
No. 353.

[See Yea and Nay No. 353 in Supplement.]

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

Mrs. Haddad of Somerset being in the Chair,—

The engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority (see House, No. 4272), 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.

Foxborough
Housing
Authority,—
land.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 45 to 0. Sent to the Senate for concurrence.

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.

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

The Senate Bill relative to prescription drug diversion, abuse and addiction (Senate, No. 2125, amended), 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. Kaufman of Lexington.

Prescription
drug abuse.

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, as amended (see text of House document numbered 4346), to be engrossed, in concurrence, Mr. Walsh of Boston and other members of the House moved to amend it in section 9, in line 88, by striking out the word “may” and inserting in place thereof the word “shall”; and the amendment was adopted.

Prescription
drug abuse.

Mr. Kaufman of Lexington then moved to amend the bill in section 23, in line 198, by inserting after the word “addiction” the words “and protecting access for patients suffering from acute and chronic pain”; and, in lines 214 to 217, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“The commissioner after reviewing the policy working group’s findings and recommendations, shall promulgate regulations relative to safe and responsible opioid prescribing and dispensing practices with the goal of reducing diversion, abuse and addiction and protecting access for patients suffering from acute and chronic pain, not later than six months after the joint policy working groups submits its report.”

The amendments were adopted; and the bill (Senate, No. 2125, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment (House document numbered 4346, amended).

Elderly,—
falls.

The House Bill relative to the prevention of falls in the elderly community (House, No. 180), 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. O’Day of West Boylston; and it was passed to be engrossed. Sent to the Senate for concurrence.

Collective
bargaining
agreements.

The House Bill relative to collective bargaining agreements (House, No. 1402, 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 Rule 47, on motion of Mr. O’Day of West Boylston.

Pending the question on passing the bill to be engrossed, the same member moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“Section 7 of chapter 150E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:—

(e) If the commonwealth has agreed pursuant to a collective bargaining agreement with an employee organization to exercise statutory rights of the commonwealth regarding the removal of employees in a certain manner with respect to the members of such employee organization, then the commonwealth shall exercise such rights of removal in accordance with the terms of the collective bargaining agreement.”

The amendment was adopted.

After debate 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. O’Day; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 354 in Supplement.]

Therefore the bill (House, No. 1402, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 354.

Franklin
regional
retirement
system.

The House Bill providing retirement benefits for members of Franklin regional retirement system (House, No. 3936, changed) (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. Kocot of Northampton.

Pending the question on passing the bill to be engrossed, Mr. Kocot moved to amend it in line 3 by inserting after the word “act” the following: “including dates of service from March 17, 2009 to September 3, 2010 and November 3, 2010 to March 25, 2011, inclusive;”.

The amendment was adopted; and the bill (House, No. 3936, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill prohibiting the sale, installation and disposal of mercury thermostats (House, No. 4204), 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. Dempsey of Haverhill. Mercury thermostats.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4305),— Representatives Dempsey and Walz of Boston moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4380. The further amendment was adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted; and the substituted bill (House, No. 4305, amended) was ordered to a third reading.

The House Bill to adopt a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities (House, No. 4252), 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. Michlewitz of Boston; and it was passed to be engrossed. Sent to the Senate for concurrence. Intellectual disability.

The House Bill relative to the licensing and supervision of debt management services in the Commonwealth (House, No. 4303), 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. Costello of Newburyport. Debt management services.

Pending the question on passing the bill to be engrossed, the same member moved to amend it in line 95 by adding the following paragraph:

“(11) Licensed Massachusetts real estate brokers and salespersons who, in connection with listing or marketing a property for sale, communicate with the seller’s lender about compromising the amount owed in order to facilitate sale of the property.”.

The amendment was adopted; and the bill (House, No. 4303, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The following House 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. Michlewitz of Boston:

Boston Housing Authority.	Relative to a form of governance for the Boston Housing Authority (House, No. 4008);
Blackstone,— election.	Validating the actions taken at a certain annual town election held on April 2, 2012 in the town of Blackstone (printed in House, No. 4134);
Lincoln,— election.	Validating the actions taken at a certain election held in the town of Lincoln (printed in House, No. 4135);
Danvers,— liquor license.	Authorizing the town of Danvers to grant an additional license for the sale of all alcoholic beverages (House, No. 4168);
Marion.	Regarding the town of Marion Open Space Acquisition Commission (House, No. 4188);
Hubbardston.	Establishing a charter for the town of Hubbardston (House, No. 4209);
Westborough.	Amending the charter of the town of Westborough (House, No. 4211);
Acushnet,— housing.	Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Acushnet (House, No. 4221);
Oakham,— treasurer.	Establishing the position of treasurer-collector in the town of Oakham (House, No. 4232);
Plympton.	Relative to a special fund in the town of Plympton (House, No. 4276);
Wales.	Providing for recall elections in the town of Wales (House, No. 4281);
Id.	Creating a library building fund for the town of Wales (House, No. 4282); and
Watertown,— Menton Corner.	Designating a certain corner in the town of Watertown as Menton Corner (House, No. 4287); and they Severally were ordered to a third reading.

Emergency Measure.

South Hadley,— land.

The engrossed Bill authorizing the directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of South Hadley (see House, No. 4341) (which originated in the House), 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 58 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. 355.

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. 355 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 — Land Taking.

Maynard,— land.

The engrossed Bill authorizing the town of Maynard to temporarily transfer a certain parcel of recreation land for a large scale photovoltaic

system (see House, No. 4335, 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.

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. 356.

[See Yea and Nay No. 356 in Supplement.]

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

Papers from the Senate.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc. (Senate, No. 2338, amended) 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 4338.

Lawrence,—
property
lease.

On motion of Mr. Devers of Lawrence, the House then receded from its amendment.

The House Bill relative to student access to educational services and exclusion from school (House, No. 4332, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 10 and 11 and inserting in place thereof the following three sections:

Students,—
services and
school
exclusion.

“SECTION 10. The department of elementary and secondary education shall submit an annual report to the chairs of the joint committee on education on the cost of providing reimbursement for instructional costs associated with providing alternative educational services under section 21 of chapter 76 of the General Laws that would not otherwise be reimbursed under section 5A of chapter 71B of the General Laws.

SECTION 11. The department of elementary and secondary education shall issue a report on the costs of implementation of this act not later than November 30, 2013. The department of elementary and secondary education shall file the report with the clerks of the senate and house of representatives, who shall forward the report to the chairs of the joint committee on education and the senate and house committees on ways and means.

SECTION 12. Sections 1 to 10, inclusive, shall take effect on July 1, 2014.”

Under suspension of Rule 35, on motion of Ms. Walz 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.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment (striking out all after the enacting clause and inserting in place thereof the text

Health care,—
quality and
costs.

Health care,—
quality and
costs.

contained in House document numbered 4155) to the Senate Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (Senate, No. 2270), recommending passage of a bill with the same title (Senate, No. 2400), came from the Senate with the endorsement that it had been accepted by said branch.

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

Conference
committee
report
accepted,—
yea and nay
No. 357.

After debate on the question on acceptance of the report, in concurrence, (Mr. Donato of Medford being in the Chair) the sense of the House was taken by yeas and nays, at the request of Mr. Walsh of Lynn; and on the roll call 133 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 357 in Supplement.]

[Mr. Murphy of Burlington answered .Present. in response to his name.]

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

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

Economic
growth.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2366; and inserting before the enacting clause an emergency preamble) of the House Bill relative to infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (House, No. 4119), recommending passage of a bill with the same title (House, No. 4352), was discharged from its position in the Orders of the Day and considered, under suspension of Rule 47, on motion of Mr. Wagner of Chicopee.

[Attached to the report was an erratta containing the following changes:

In line 1512 by striking out the following: “SECTION 35” and inserting in place thereof the following: “SECTION 35A”; in line 2428 by striking out the following: “29, 30 and 34” and inserting in place thereof the following: “31, 32 and 37”; and by striking out section 101.]

Conference
committee
report
accepted,—
yea and nay
No. 358.

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 153 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 358 in Supplement.]

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

Recess.

Recess.

At three minutes before six o'clock P.M., on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until seven o'clock; and at nineteen minutes after seven o'clock the House was called to order with Mr. Donato in the Chair.

Message from the Governor.

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 exchange of certain parcels of land in the town of Marshfield (House, No. 4365), was filed this day in the office of the Clerk. Marshfield,—
land.

The message was read; and it was referred, on motion of Mr. Cantwell of Marshfield, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, then reported on the foregoing message, a Bill authorizing the exchange of certain parcels of land in the town of Marshfield (printed in House, No. 4365). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Cantwell, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for 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 amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4330) to the Senate Bill regarding families and children engaged in services (Senate, No. 1963), recommending passage of a bill with the same title (Senate, No. 2410), came from the Senate with the endorsement that it had been accepted by said branch. Families and
children
engaged in
services.

Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith; and it was accepted, in concurrence.

The House Bill providing hearing aids for children (House, No. 52, changed), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in line 18, striking out the following: "47U" and inserting in place thereof the following: "47X"; in section 3, in line 43, striking out the following: "8U" and inserting in place thereof the following: "8Y"; in section 4, in lines 65 and 66, striking out the following: "Section 4U of chapter 176B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:— (f)" (as changed by the committee on Bills in the Third Reading) and inserting in place thereof the following: "Chapter 176B of the General Laws, as so appearing, is hereby amended by inserting, after section 4DD, the following section:— Section 4EE."; and adding the following section: Children,—
hearing
aids.

"SECTION 6. This act shall apply to all policies, contracts and certificates of health insurance subject to section 23 of chapter 32A of the General Laws, section 47U of chapter 175 of the General Laws, section 8U of chapter 176A of the General Laws, section 4EE of chapter 176B

Children,—
hearing
aids.

of the General Laws and section 4N of chapter 176G of the General Laws which are delivered, issued or renewed on or after January 1, 2013.”.

Under suspension of Rule 35, on motion of Mr. Garballey of Arlington, 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.

Springfield,—
park land.

The House Bill authorizing the city of Springfield to convey certain park land and to grant a license agreement over certain park land to Unifirst Corporation (House, No. 3874), 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 2301.

Under suspension of Rule 35, on motion of Mr. Petrolati of Ludlow, 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.

Cleft palate
and
cleft lip.

The House Bill relative to the treatment of cleft palate and cleft lip (House, No. 3928), came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section:

“SECTION 8. This act shall apply to all policies, contracts and certificates of health insurance subject to chapter 32A, 118E, 175, 176A, 176B, 176G and 176I of the General Laws which are delivered, issued or renewed on or after January 1, 2013.”.

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

Wellfleet,—
easement.

The House Bill authorizing the town of Wellfleet to grant an easement on certain land in the town (House, No. 4171), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 2, in line 22, inserting after the word “town” the words “and the proceeds thereof shall be deposited in a fund dedicated to the acquisition of conservation land in the town.”.

Under suspension of Rule 35, on motion of Ms. Peake of Provincetown, 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.

Fairhaven,—
easement.

The House Bill authorizing the town of Fairhaven to grant an easement over certain land (House, No. 4172), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1 adding the following sentence: “The grant of easement authorized in this section shall be subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B.”; and striking out section 2 and inserting in place thereof the following two sections:

“SECTION 2. As a condition of the conveyance authorized in section 1, the town of Fairhaven shall transfer a parcel of land dedicated for general municipal purposes to the conservation commission for

conservation purposes. If no suitable parcel can be transferred for conservation purposes, the town shall acquire a parcel of land or a conservation easement, as defined in section 31 of chapter 184 of the General Laws. Such land or easement shall be dedicated to conservation purposes and shall be placed under the jurisdiction of the conservation commission. The parcel dedicated pursuant to this section shall be of equal or greater size and value for conservation purposes to the parcel described in section 1, as determined by the conservation commission.

SECTION 3. This act shall take effect upon its passage.”

Under suspension of Rule 35, on motion of Mr. Straus of Matapoisett, 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 Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Shrewsbury (House, No. 4174), 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 2405.

Shrewsbury,—
land.

Under suspension of Rule 35, on motion of Mr. Beaton of Shrewsbury, 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 authorizing the town of Cohasset to transfer certain interests in land (House, No. 4230), came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 5 the following section:

Cohasset,—
land.

“SECTION 5A. In consideration for and as a condition of the transfer of land authorized in sections 1 through 4, the town of Cohasset shall dedicate a parcel of land shown as ‘lot 2’ on a plan entitled ‘Plan of Land, North Main Street & Sohier Street in Cohasset, MA’, dated October 25, 2011 and prepared by Cavanaro Consulting and containing approximately 7.39 acres, for permanent recreation purposes.”

Under suspension of Rule 35, on motion of Ms. Peake of Provincetown, 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 making appropriations for the fiscal years 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4334), came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Supplemental
appropriations.

In section 2, in item 2800-0700, striking out the figures “\$350,000” and inserting in place the figures “\$1,100,000”;

In section 2A, inserting after item 1599-4420 the following item:

“1599-6263 For a reserve for the purposes of eradication and control of mosquitoes to prevent the spread of eastern equine encephalitis; provided, that the secretary of administration and finance shall

Supplemental appropriations.

report on the expenditures from this account including, but not limited to, the amount spent from this account during the fiscal year, the communities where spraying occurred and the amount spent per community \$2,000,000”;

and in said section 2A, inserting, after item 1599-4380, the following item:

“7002-0035 For a reserve to support the commonwealth’s defense sector initiatives \$350,000”;

In section 2C.I, inserting after item 1599-4420 the following item:

“1599-6263 \$2,000,000”;

and in said section 2C.I, in item 2800-0700, striking out the figures “\$350,000” and inserting in place thereof the following figures “\$1,100,000”;

Striking out sections 3 and 4 and inserting in place thereof the following six sections:

“SECTION 3. Clause (1) of subsection (c) of section 98 of chapter 6 of the General Laws, as appearing in section 17 of chapter 165 of the acts of 2012, is hereby amended by adding the following words:—, but any such regulations or guidelines shall not apply to the commonwealth.

SECTION 3A. Chapter 6A of the General Laws is hereby amended by inserting after section 16G the following section:—

Section 16H. (a) There shall be a Housing and Economic Development Trust to be administered by the secretary of housing and economic development. Monies in the trust shall be deposited with the state treasurer in a manner that will secure the highest interest rate available consistent with the safety of the trust and with the requirement that all amounts on deposit be available for immediate use.

(b) The secretary shall appoint the fund’s trustee, who shall serve until a successor is appointed.

(c) There shall be credited to the trust:

(1) grants, bequests, gifts or contributions of cash or securities, or contributions of services or property in kind from any persons or other governmental, nongovernmental, quasi-governmental or local governmental entities made for the purpose of supporting the executive office of housing and economic development as set forth in subsection (d); and

(2) all interest earned on monies in the trust.

(d) Expenditures from the trust shall not be subject to appropriation and balances remaining at the end of a fiscal year shall not revert to the General Fund. Expenditures from the trust shall be made only for the following purposes:

(1) operating costs of the executive office of housing and community development, including the divisions and programs within the executive office;

(2) operating costs of the Massachusetts marketing partnership and the offices within the partnership, including the Massachusetts international trade office, the commonwealth marketing office, the office of travel and tourism, the Massachusetts film office and the Massachusetts sports partnership; and the Massachusetts office of business

development, including the divisions and programs within that office; and

(3) costs associated with housing and economic development programs, grants and initiatives of the secretary.

(e) Funds deposited and expended from the trust shall not be assessed any indirect costs.

(f) For the purpose of accommodating timing discrepancies between the trust's receipt of revenues and related expenditures, the trust may incur expenses and the comptroller may certify payments from the trust in anticipation of trust receipts based on estimated receipts as certified by the trustee. The trustee shall insure that no expenditures from the trust shall cause the trust to be in deficiency at the close of a fiscal year.

SECTION 3B. Section 5I of chapter 18 of the General Laws, as amended by chapter 139 of the acts of 2012, is hereby further amended by adding the following subsection:—

(d) the department shall submit semi-annual reports detailing enforcement and violations of the section. The report shall include, but not necessarily be limited to, the number of alleged violations reported, the number of alleged violations investigated, the number of violations found, the amount received for reimbursements for purchases made in violation of this section, the number of 2 month disqualifications, the number of permanent disqualification notices, hearings, and permanent disqualifications, and further specify actions taken to improve the implementation of this section and limit the number of eligible recipients who knowingly make a prohibited purchase in violation of this section. The reports shall be filed with the clerks of the house of representatives and the senate, with the first report to be filed not later than March 15, 2013.

SECTION 4. Chapter 20 of the General Laws is hereby amended by adding the following section:—

Section 32. There shall be established and set upon the books of the commonwealth an Agricultural Inspection and Infrastructure Trust Fund, consisting of: (i) fee revenues from apiary inspections under sections 32 and 35 of chapter 128, poultry inspections under section 124 of chapter 94, registration of animal rescue and shelter operations under section 39A of chapter 129 and registration of pesticide companies; (ii) interest or investment earnings on such monies; and (iii) all other monies credited or transferred to the fund by law. The commissioner shall be the trustee of the fund and may expend monies in the fund without further appropriation for programs and costs related to the following: (1) sections 32 to 38, inclusive, and sections 64 and 65 inclusive of chapter 128; (2) the integrated pest management program established in chapter 132B and in chapter 85 of the acts of 2000; (3) spay and neuter programs and animal rescue and shelter programs established under section 139A of chapter 140; (4) poultry testing programs established in 330 CMR 5.00 seq; and (5) the Agricultural Innovation Center.

Any unexpended balance in the fund at the end of the fiscal year, not to exceed \$200,000, shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

Supplemental
appropriations.

SECTION 4A. Section 20 of chapter 29 of the General Laws, as appearing in section 112 of chapter 165 of the acts of 2012, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The provisions of this section relating to bonds shall also be applicable to the issuance of notes insofar as such provisions may be appropriate for such notes.

SECTION 4B. The first paragraph of section 5G of said chapter 29, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following 2 sentences:— If the department of revenue certifies that the amount of tax revenues estimated to have been collected from capital gains income exceeds \$1,000,000,000 in a fiscal year, the comptroller shall transfer quarterly any such amount that exceeds \$1,000,000,000 collected during that fiscal year to the Commonwealth Stabilization Fund established in section 2H. The \$1,000,000,000 threshold established in the preceding sentence shall be adjusted annually to reflect the average annual rate of growth in United States gross domestic product over the preceding 5 years based on the most recently available data published by the Bureau of Economic Analysis in the United States Department of Commerce.”;

Inserting after section 5 the following section:

“SECTION 5A. The second paragraph of section 60A of said chapter 29, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— For each subsequent fiscal year, the limit shall be the product of the limit established for the previous fiscal year and 1.05.”;

Inserting after section 7 the following three sections:

“SECTION 7A. Section 81 of chapter 146 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the definition of ‘Pipefitting’ and inserting in place thereof the following definition:—

‘Pipefitting’, the installation, repair, replacement, maintenance or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than 700,000 British Thermal Units, including apparatus and piping for the general use of conveyance of steam and associated pumping equipment, vacuum and pneumatic systems, oil and petroleum products, ice making machinery, air conditioning equipment, piping systems used for the conveyance and storage of Category M liquids, as defined in ASME B31.3 Process Piping manual and high pressure systems over 150 pound-force per square inch gauge or hazardous industrial type gases used in processes, biopharma or semi-conductor manufacturing, but excluding sheet metal work, refrigeration systems, boilers and plumbing as defined under the rules and regulations of the board of state examiners of plumbers promulgated under sections 4 and 13 of chapter 142.

SECTION 7B. Section 89 of said chapter 146, as so appearing, is hereby amended by adding the following 2 paragraphs:—

Whoever prevents, or attempts to prevent, an inspector from entering any premises in the discharge of the inspector’s duty shall be punished by a fine of not less than \$250 and not more than \$3,000, or by imprisonment for not more than 3 months, or both such fine and imprisonment.

Any person who permits an unlicensed person to engage in pipefitting, as defined in section 81, shall be punished by a fine of not less than \$1,000 and not more than \$3,000, or by imprisonment for not more than 3 months, or both such fine and imprisonment.

SECTION 7C. The last paragraph of section 22 of chapter 61 of the acts of 2009 is hereby amended by striking out the words ‘April 30, 2012’, inserted by section 22 of chapter 36 of the acts of 2012, and inserting in place thereof the following words:— October 31, 2012.’;

Inserting after section 14 the following section:

“SECTION 14A. Said chapter 142 is hereby further amended by striking out section 94 and inserting in place thereof the following section:—

Section 94. There shall be established and set up on the books of the commonwealth a Substance Abuse Services Fund. The commissioner of public health shall serve as the fund’s trustee. Funds in the fund shall be used to expand inpatient treatment facilities and ongoing case management for individuals civilly committed under section 35 of chapter 123 of the General Laws. Prior the end of fiscal year 2012, the comptroller shall transfer \$10,000,000 from the General Fund to the Substance Abuse Services Fund. Upon the submission of a spending plan for this fund to the secretary of administration and finance, the house and senate committees on ways and means and the clerks of the house and senate, the commissioner may make expenditures from the fund for the purpose of expanding inpatient treatment facilities and ongoing case management. In developing the spending plan, the commissioner shall hold at least 1 public hearing and shall consult with the commissioner of mental health, the court administrator of the trial court, a representative of the Massachusetts Medical Society, a representative of the Massachusetts Organization for Addiction Recovery and a representative of the Association for Behavioral Healthcare. The commissioner shall submit a draft spending plan to the house and senate committee on ways and means 45 days prior to the submission of the final plan. This fund shall be in effect until June 30, 2013.’;

Inserting after section 21 the following two sections:

“SECTION 21A. Item 1599-0026 of said section 2 of said chapter 139 is hereby amended by adding the following words:— ; provided further, that funds from this item may be expended to reimburse municipalities for tuition and transportation costs under section 7C of chapter 74 of the General Laws; and provided further, that any reimbursements for tuition under the preceding proviso shall be in addition to allowable federal grants used to cover reimbursement costs and approved by the department of elementary and secondary education for expenditure in fiscal year 2013.

SECTION 21B. Item 2000-0100 said section 2 of said chapter 139 is hereby amended by adding the following words:— ; and provided further, that any funds appropriated in fiscal year 2012 for a program of collaborative research with the Massachusetts Maritime Academy that applies sonar technology over significant surface area of the ocean to assess the biomass of groundfish in the region managed by the New England Fishery Management Council shall not revert and shall be made available for such purposes in fiscal year 2013.’;

Inserting after section 22 the following section:

“SECTION 22A. Item 2800-0700 of said section 2 of said chapter 139 is hereby amended by adding the following words:— ; provided further,

Supplemental appropriations.

that not less than \$350,000 shall be expended for repairs to the Upper Bondsville Dam in the town of Belchertown; and provided further, that not less than \$750,000 shall be expended for repairs to the Town Brook Dam in the town of Plymouth.”; Inserting after section 25 the following section:

“SECTION 25A. Item 4590-1507 of said section 2 of said chapter 139 is hereby amended by striking out the words ‘and provided further, that the department of public health shall award not less than \$800,000 each to the Massachusetts Alliance of Boys and Girls Clubs and the Alliance of Massachusetts YMCAs, which shall be distributed equally between the respective recipients’ member organizations’ and inserting in place thereof the following words:— provided further, that the department of public health shall award not less than \$800,000 to the Massachusetts Alliance of Boys and Girls Clubs and \$725,000 to the Alliance of Massachusetts YMCAs, which shall be distributed equally between the respective recipients’ member organizations; and provided further, that not less than \$75,000 shall be awarded to the Alliance of Massachusetts YMCAs for the alliance to support the expansion of existing YMCAs to communities not currently served by a YMCA.”;

Striking out sections 29 and 30 and inserting in place thereof the following section:

“SECTION 30. Said chapter 139 is hereby further amended by striking out section 154 and inserting in place thereof the following section:—

Section 154. (a) Notwithstanding any general or special law to the contrary, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 in the following order of precedence: (i) make available to be used as revenue for fiscal year 2013 an amount equal to .5 per cent of the total revenue from taxes in fiscal year 2012; (ii) transfer \$15,000,000 to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 231 of the General Laws; (iii) transfer \$20,000,000 to the Health Care Workforce Transformation Trust Fund established in section 2FFFF of chapter 29 of the General Laws; (iv) distribute not more than \$2,703,119 to the New Bedford public school district to account for the district’s actual low-income enrollment, as defined by section 2 of chapter 70 of the General Laws, which amount shall be included in the district’s fiscal year 2013 chapter 70 aid and shall be considered base aid for the purpose of calculating fiscal year 2014 chapter 70 aid; provided, that said amount shall be certified by the department of elementary and secondary education prior to final transfer; (v) make available \$40,000,000 to be used as revenue in fiscal year 2013; and (vi) transfer any remaining amount of the consolidated net surplus to the Stabilization Fund; provided, however, that all funds transferred under clauses (i) to (v), inclusive shall be made available in the General Fund in fiscal year 2013.

(b) To the extent that balances in the General Fund are insufficient to carry out the transfers under subsection (a), the transfers shall be made from the other budgetary funds proportionally from those undesignated fund balances, but no such transfer shall cause a deficit in any of those funds; provided, however, that prior to certifying the consolidated net surplus, the comptroller shall, to the extent possible, elimi-

nate deficits in any fund contributing to the surplus by transferring positive fund balances from any other fund contributing to the surplus.”;

Inserting after section 31 the following four sections:

“SECTION 31A. Section 188 of said chapter 139 is hereby amended by striking out the words ‘2011 amendments’ and inserting in place thereof the following words:— 2011 and 2012 amendments.

SECTION 31B. Section 189 of said chapter 139 is hereby amended by striking out the words ‘2011 amendments’ and inserting in place thereof the following words:— 2011 and 2012 amendments.

SECTION 31C. Said section 189 of said chapter 139 is hereby further amended by striking out clause (gg) and inserting in place thereof the following clause:—

(gg) between the commonwealth and AFSCME Local 653, for the Essex North/South registry of deeds;

SECTION 31D. Said section 189 of said chapter 139 is hereby further amended by adding the following 3 clauses:—

(kk) between the commonwealth and AFSCME Local 414, for the Middlesex South registry of deeds;

(ll) between the commonwealth and SEIU Local 888, for the Suffolk registry of deeds; and

(mm) between the commonwealth and SEIU Local 888, for the Worcester North registry of deeds.”;

Inserting after section 35 the following four sections:

“SECTION 35A. A person who was not required to be licensed pursuant to section 84 of chapter 146 of the General Laws and who shall submit satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the pipefitting industry for a period of 4 years prior to the effective date of this act and who has applied for a license within 1 year after the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued a master pipefitter’s license upon payment of the applicable fee.

A person who was not required to be licensed pursuant to said section 84 of said chapter 146 and who shall submit satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the pipefitting industry for a period of 3 years prior to the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued a journeyman’s pipefitter’s license upon payment of the applicable fee; provided, however, that for the purposes of this section, completion of an apprentice training program by any such persons shall not be required.

Any proof required to be submitted under this section shall be accompanied by a statement that such information has been submitted under the pains and penalties of perjury.

SECTION 35B. The department of public safety shall file a report with the secretary of administration and finance and the house and senate committees on ways and means containing funding recommendations necessary to enforce pipefitting licensing and inspection of work undertaken by licensed pipefitters under sections 81 to 89, inclusive, of chapter 146 of the General Laws. The department shall file the report not later than February 1, 2013.

Supplemental
appropriations.

SECTION 35C. The salary adjustments and other cost items authorized by the 2011 and 2012 amendments to the following collective bargaining agreements, for the period from July 1, 2011 to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the General Laws; provided, however, that the costs associated with these agreements may be funded from item 1599-4444 of section 2 of chapter 139 of the acts of 2012:

(a) between the Middlesex sheriff and the Superior Officers Association (Unit SM4);

(b) between the Norfolk sheriff and the National Association of Government Employees, Local 296 (SN3);

(c) between the Norfolk Sheriff and the Norfolk Superior Officers, Local 295 (Unit SN2);

(d) between the University of Massachusetts and the International Brotherhood of Police Officers, Local 432 (A&B Units) for the Amherst campus; and

(e) between the University of Massachusetts and the International Association of University Police Officers (Unit L94), for the Lowell campus.

SECTION 35D. The salary adjustments and other cost items authorized by the 2011 and 2012 amendments to the following collective bargaining agreements, for the period from July 1, 2011 to June 30, 2014, inclusive, shall be effective for the purposes of section 7 of chapter 150E of the General Laws:

(a) between the trial court and the National Association of Government Employees/Service employees International Union Local 5000 (Units J2C and J2P); and

(b) between the trial court and the OPEIU Local 6 (Units J6C and J6P).”;

Adding the following three sections:

“SECTION 40. Notwithstanding any general or special law to the contrary, or the availability of federal financial participation for the expenditure, the executive office of health and human services shall not deem ineligible any hospital licensed health center for consideration for any funds or grants to serve MassHealth recipients as long as the hospital licensed health center is otherwise qualified, if the hospital is not eligible to receive such funds or grants; provided however, that the executive office shall not award any funds or grants to any hospital licensed health center if such award would result in the loss of federal financial participation for any other MassHealth initiative.

SECTION 41. The department of housing and community development shall conduct an examination of the ‘HomeBASE’ program, so-called, to determine its efficacy in reducing dependence on shelter housing and homelessness, its achievements of cost-saving and efficiencies, its sustainability within current budgetary parameters, and any additional resources required in order for the program to meet its goals and remain viable for the next five fiscal years. The results of said examination, together with any legislative recommendations, shall be filed with the clerks of the house and the senate not later than 90 days after the effective date of this act.

SECTION 42. Sections 3, 4A, 4B, 5 and 5A shall take effect on January 1, 2013.”.

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

The same member then moved that the House concur with the Senate in its amendments with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4367. 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.

The Senate Bill relative to simulcasting (Senate, No. 2408) (on Senate bill No. 2219), passed to be engrossed by the Senate, was read; and it was referred to the committee on Ways and Means.

Simulcasting.

Mr. Dempsey of Haverhill, 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, then reported that the matter be scheduled for consideration by the House.

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

Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the bill was then read a third time forthwith; and it was passed to be engrossed, in concurrence.

Reports of Committees.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to license plates in the commonwealth (Senate, No. 2387), 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 4369. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

License plates.

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

Under suspension of Rule 7A, on motion of Mr. Kafka 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.

Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the bill was read a third time; and it was passed to be engrossed, in concurrence. The bill (Senate, No. 2387, amended) then was sent to the Senate for concurrence in the amendment.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill to include call and volunteer firefighters on the Massachusetts Fire Service Commission (Senate, No. 1187), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Fire Service Commission,—
volunteer
and call
firefighters.

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

Naturopathy,—
board.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill establishing a board of registration in naturopathy (Senate, No. 2377), 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 4368. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of Rule 7A, on motion of Mr. O'Day of West Boylston, 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. 2377, amended) was ordered to a third reading.

Engrossed Bill.

Bills
enacted.

The engrossed Bill improving the quality of health care and reducing costs through increased transparency, efficiency and innovation (see Senate, No. 2400) (which originated in the Senate), 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.

Emergency Measures.

Susan
Tremblay,—
sick leave
bank.

The House Bill establishing a sick leave bank for Susan Tremblay, an employee of the Department of Correction (see House, No. 4192), 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 67 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.

Worcester,—
land.

The engrossed Bill authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester (see House, No. 4033, amended) (which originated in the House), 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 51 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. 359.

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. 359 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 Division of Capital Asset Management and Maintenance to grant an easement over a parcel of land in the town of Needham in exchange for a parcel of land to be conveyed to the Commonwealth (see House, No. 4339) (which originated in the House), 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.

Needham,—
land.

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.

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. 360.

[See Yea and Nay No. 360 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 Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax (see House, No. 4340) (which originated in the House), 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.

Halifax,—
land.

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 60 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. 361.

[See Yea and Nay No. 361 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.

Motor
vehicle
repairs.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 104 and House, Nos. 102 and 1016, a Bill protecting motor vehicle owners and small businesses in repairing motor vehicles (House, No. 4362). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently (Mrs. Haddad of Somerset being in the Chair), under suspension of the rules, on motion of Mr. Speliotis, the bill was read a third time.

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

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in line 199 by striking out the following: "93B. and inserting in place thereof the following: "93J.; and the amendment was adopted.

Bill passed to
be engrossed,—
yea and nay
No. 362.

After debate 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 Ms. Reinstein of Revere; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 362 in Supplement.]

Therefore the bill (House, No. 4362, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Suspension of Rule 1A.

Suspension
of Rule 1A.

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

Rule 1A
suspended,—
yea and nay
No. 363.

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 120 members voted in the affirmative and 33 in the negative.

[See Yea and Nay No. 363 in Supplement.]

Therefore Rule 1A was suspended.

Engrossed Bill — State Loan.

Economic
growth.

The engrossed Bill relative infrastructure investment, enhanced competitiveness and economic growth in the Commonwealth (see House, No. 4352) (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
(state loan),—
yea and nay
No. 364.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution);

and on the roll call 152 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 364 in Supplement.]

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

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the change of use and the lease of certain land in the town of Lee for a solar powered generation facility (see House, No. 4278, 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.

Lee,—
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 153 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 365.

[See Yea and Nay No. 365 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 exchange of certain parcels of land in the town of Marshfield (see House bill printed in House, No. 4365) (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.

Marshfield,—
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 152 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 366.

[See Yea and Nay No. 366 in Supplement.]

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

Emergency Measures.

The engrossed Bill relative to simulcasting (see Senate, No. 2408), 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.

Simulcasting.

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 43 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 sent to the Senate.

Bill
enacted.

Supplemental
appropriations.

The engrossed Bill making appropriations for the fiscal years 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4334, 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 36 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.

Hinsdale,—
land.

The engrossed Bill authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (see Senate, No. 2385, amended) (which originated in the Senate), 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 88 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. 367.

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. 367 in Supplement.]

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

Shrewsbury,—
land.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Shrewsbury (see House, No. 4342, amended) (which originated in the House), 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 68 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. 368.

[See Yea and Nay No. 368 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 Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc. (see Senate, No. 2338) (which originated in the Senate), 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.

Lawrence,—
land.

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 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. 369.

[See Yea and Nay No. 369 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. Straus of Mattapoisett, 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 2376) of the House Bill financing improvements to the Commonwealth's transportation system (House, No. 4193), reported recommending passage of a bill with the same title (House, No. 4371). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Transportation
bond.

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

Under suspension of the rules, on motion of Mr. Straus, the report was considered forthwith.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Straus; and on the roll call 151 members voted in the affirmative and 2 in the negative.

Conference
committee
report
accepted,—
yea and nay
No. 370.

[See Yea and Nay No. 370 in Supplement.]

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

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

Afterschool, etc.
council.

Establishing the afterschool and out-of-school time coordinating council (Senate No. 2111);

Agricultural
products.

To promote environmentally sound transportation of agricultural products (Senate, No. 2118);

Trench safety.
Buildings.

Relative to trench safety (Senate, No. 2378, amended);

Relative to manufactured buildings (Senate, No. 2401);

Victims,—
housing
rights.

Relative to housing rights for victims of domestic violence, rape, sexual assault and stalking (Senate, No. 2402);

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

Off-highway
and recreation
vehicles.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Senate Bill relative to the use of off-highway and recreation vehicles (Senate, No. 2381), ought to pass with an amendment by adding the following section:

“SECTION 4. Paragraph (1) of subsection (a) of section 26 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following sentence:—No person under 14 years of age shall operate an all terrain vehicle or recreation utility vehicle unless said person is operating such vehicle while a participant in a sanctioned race, rally or organized event which is supervised by a person aged 18 or older and which has been authorized or approved by a municipal permitting authority or operating such vehicle in preparation for such race, rally or organized event while directly supervised.”

Regionalization.

By the same member, for the same committee, that the Bill to promote municipal collaboration and regionalization throughout the Commonwealth (House, No. 3732), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4370).

Snowmobile
safety.

By the same member, for the same committee, that the Bill establishing a snowmobile educational safety program (House, No. 3941), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4359).

Land taking
regulations.

By the same member, for the same committee, that the Bill relative to land taking regulations (House, No. 4208), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4360).

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

Engrossed Bills — Land Takings.

Wellfleet,—
easement.

The engrossed Bill authorizing the town of Wellfleet to grant an easement on certain land in the town (see House, No. 4171, 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. 371.

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 Consti-

tution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 371 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 Cohasset to transfer certain interests in land (see House, No. 4230, 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.

Cohasset,—
land.

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

Bill enacted
(land taking),—
yea and nay
No. 372.

[See Ye and Nay No. 372 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 Fairhaven to grant an easement over certain land (see House, No. 4172, 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.

Fairhaven,—
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 153 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 373.

[See Ye and Nay No. 373 in Supplement.]

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

Engrossed Bills.

Engrossed bills

Relative to collective bargaining agreements (see House, No. 1402, amended);

Bills
enacted.

Relative to renovation and repair contracts (see House, No. 4242, amended);

Relative to student access to educational services and exclusion from school (see House, No. 4332, amended); and

Protecting motor vehicle owners and small businesses in repairing motor vehicles (see House, No. 4362, 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.

Reports of Committees.

Mr. Donato of Medford being in the Chair,—

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see

General
Appropriation
Bill.

General
Appropriation
Bill.

House, No. 4240), 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 2013 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. 4200), reported, in part, that item 7061-0011 stand (as passed by the General Court). 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 Rule 7A, on motion of Mr. Dempsey of Haverhill, the report was considered forthwith.

Item 7061-0011 (contained in section 2) (elementary and secondary education), which had been disapproved by the Governor then was considered.

Elementary
and
secondary
education
item 7061-0011
stands,—
yea and nay
No. 374.

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 (the Speaker being in the Chair) 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 374 in Supplement.]

Therefore item 7061-0011 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.

Emergency Measure.

Transportation
bond.

The engrossed Bill financing improvements to the Commonwealth's transportation system (House, No. 4371), 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 48 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
(state loan
land-taking),—
yea and nay
No. 375.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution, and this also 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 2 in the negative.

[See Yea and Nay No. 375 in Supplement.]

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

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

MR. SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House, and therefore was not recorded. If I had been present for the taking of the roll call, I would have voted in the affirmative.

Statement of
Mr. Cantwell
of Marshfield.

Engrossed Bill.

The engrossed Bill regarding families and children engaged in services (see Senate, No. 2410) (which originated in the Senate), 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 Speaker and sent to the Senate.

Bill
enacted.

Order.

On motion of Mr. Dempsey of Haverhill,—

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

Next
sitting.

Ms. Wolf of Cambridge then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at eight minutes after twelve o'clock A.M. (Wednesday, August 1), there being no objection (the Speaker being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.