

JOURNAL OF THE HOUSE.

Tuesday, October 12, 2010.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Prayer. God, Our Creator, as we begin today's legislative session, we focus our thoughts and attention on You and spiritual values. We believe that with Your guidance and assistance we are able to make personal and legislative choices and decisions which are reasoned, honorable and ethical. As elected leaders, inspire us to unite constituents in a common effort to improve the quality of the human, economic and spiritual life of all members of our communities. In this age of violence against innocent people, teach us to continue our long national tradition of respecting the dignity and value of each individual in our communities. As we work together in addressing today's issues in the Commonwealth, inspire us also to plan for a bright and prosperous future for our children.

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

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

Recess.

Recess. At two minutes after eleven o'clock A.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-eight minutes before one o'clock the House was called to order with Mr. Donato in the Chair.

Guest of the House.

Mr. Murumba Werunga. During the Session, the Chair (Mr. Donato) declared a brief recess, and introduced, seated at the Clerk's desk, Mr. Murumba Werunga, Head of the Centre for Parliamentary Studies and Training of the National Assembly of the Republic of Kenya. Mr. Werunga was visiting the Commonwealth to learn, first hand, about the operation and structure of state government and the interaction of states in a federal government system. He was the guest of Speaker DeLeo of Winthrop.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Zachary Thomas Lindsey. Resolutions (filed by Mr. Vallee of Franklin) congratulating Zachary Thomas Lindsey on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Ms. Callahan of Sutton) recognizing the fourth Thursday of November 2010 as Holoprosencephaly Awareness Day;

Holoprosencephaly Awareness Day. Mico Kaufman.

Resolutions (filed by Messrs. Miceli of Wilmington and Nangle of Lowell) recognizing Mico Kaufman as the first recipient of the James McNeill Whistler Distinguished Artist Award; and

Resolutions (filed by Mr. Rogers of Norwood) congratulating Patricia and George Kelleher on the occasion of their fiftieth wedding anniversary;

Patricia and George Kelleher.

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

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Dwyer of Woburn, a petition (accompanied by bill House, No. 5042) of James J. Dwyer, Kenneth J. Donnelly and others (with the approval of the mayor and city council) for legislation to authorize the city of Woburn to issue ten additional licenses for the sale of alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Woburn,—liquor licenses.

By Ms. Peake of Provincetown, a petition (accompanied by bill House, No. 5043) of Sarah K. Peake (by vote of the town) for legislation to make certain changes in the charter of the town of Eastham; and

Eastham,—charter.

By the same member, a petition (accompanied by bill House, No. 5044) of Sarah K. Peake (by vote of the town) relative to the appointment of the treasurer/collector of the town of Eastham by the administrator of said town;

Eastham,—treasurer/collector.

Severally to the committee on Municipalities and Regional Government.

By Ms. Peake of Provincetown, a petition (accompanied by bill House, No. 5045) of Sarah K. Peake (by vote of the town) that the town of Eastham be authorized to impose a room occupancy tax on certain property rentals located in said town. To the committee on Revenue.

Eastham,—room occupancy tax.

Severally sent to the Senate for concurrence.

Mr. Flynn of Bridgewater presented a petition (subject to Joint Rule 12) filed at the request of Paul Sullivan for legislation to levy an additional surcharge on motor vehicles and trailers to be paid by the owners of such vehicles; and the same was referred, under Rule 24, to the committee on Rules.

Motor vehicles,—surcharge.

Papers from the Senate.

The House Bill making appropriations for the fiscal years 2010 and 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5028, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2C.1, after item 1599-4284, inserting the following eight items:

Supplemental and deficiency appropriations.

Supplemental and deficiency appropriations.	“1599-4302	\$6,095
	1599-4303	\$11,551
	1599-4307	\$4,681
	1599-4308	\$64,443
	1599-4309	\$36,163
	1599-4316	\$209,358
	1599-4317	\$240,909
	1599-4318	\$46,698”;

In section 3

In item 4000-0700, striking out the figures “\$196,848,914” and inserting in place the figures “\$194,791,454”;

Inserting after the heading “Department of Public Health” the following item:

“4510-0616	\$528,223
Commonwealth Substance Abuse Treatment and Prevention Fund	100%”;

and inserting after item 4513-1020 the following three items:

“4590-0250	\$326,958
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OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.

Department of Children and Families.

4800-0015	\$483,561
4800-0025	\$168,718”;

In section 3A

Inserting after the first paragraph the following item:

“JUDICIARY.

Trial Court.

0330-0312	For the office of the Trial Court for losses in revenue associated with Civil Motor Vehicle Infraction fees.....	\$300,000”;
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and inserting after item 1599-1759 the following two items:

“Department of Public Health.

4510-0715	For the operation of a center for primary care recruitment and placement to improve access to primary care services; provided, that funds may be expended for primary care workforce development and loan forgiveness grant programs.....	\$157,000
4510-0716	For the operation of an evidence-based outreach and education program designed to provide information and education on the therapeutic and cost-effective utilization of prescription drugs to physicians, pharmacists and other health care professionals authorized to prescribe and diagnose prescription drugs	\$93,000”;

Striking out section 32;
Striking out section 35 (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following section:

“SECTION 35. Subsection (a) of section 4 of chapter 614 of the acts of 1968, as most recently amended by section 161 of chapter 240 of the acts of 2010, is hereby further amended by striking out the third sentence.”;

In section 39 striking out the last two sentences and inserting in place thereof the following three sentences “Transitional relief payments shall be subject to approval by the Centers for Medicare and Medicaid Services of the amendment to the MassHealth Section 1115 Demonstration as submitted by the commonwealth on March 1, 2010, and in accordance with the methodology approved therein. Such payments may be made only pursuant to written certification to the comptroller and the house and senate committees on ways and means by the secretary of administration and finance that sufficient state revenue is available to fund the non-federal share for such payments, consistent with the requirement for a balanced budget. The transfer authorization from this section shall expire on June 30, 2011.”;

Striking out section 51 (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following section:

“SECTION 51. Item 4000-0640 of said section 2 of said chapter 131 is hereby amended by adding the following words:— ; and provided further, that notwithstanding any general or special law to the contrary, contingent upon receipt of not less than \$27,200,000 in TANF contingency funds authorized by Title IV, section 403(b) of the Social Security Act, the division shall establish nursing facility supplemental Medicaid rates and that a sum of \$27,200,000 shall be distributed as supplemental nursing facility Medicaid rates for fiscal year 2011.”;

Striking out sections 63 to 87, inclusive;
Striking out section 91 (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following section:

“SECTION 91. Section 2E of said chapter 131 is hereby amended by striking out item 1595-1068 and inserting in place thereof the following item:—

1595-1068	For an operating transfer to the MassHealth provider payment account in the Medical Assistance Trust Fund established in section 2QQQ of chapter 29 of the General Laws, notwithstanding the requirement that transfers be completed no later than June 30, 2011 in the introductory paragraph of this section; provided, that these funds shall be expended only for services provided during state or federal fiscal year 2011, and no amounts previously or subsequently transferred into the Medical Assistance Trust Fund shall be expended on payments described in the section 1115 demonstration waiver for services provided during state fiscal year 2011, or payments described in the state plan for services provided during federal
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Supplemental
and deficiency
appropriations.

fiscal year 2011; provided further, that all payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only in accordance with federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services and shall be subject to the terms and conditions of an agreement with the executive office of health and human services; provided further, that any increase in payment made from the trust fund totaling an amount greater than \$251,000,000 in fiscal year 2011 shall be made only after the secretary of health and human services certifies that any increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending; provided further, that the secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on health care financing of any increases in payments within 15 days; provided further, that the secretary of health and human services shall make a payment of up to \$247,605,130 from the Medical Assistance Trust Fund to the Cambridge Public Health Commission for dates of service in state and federal fiscal year 2011, only after the Cambridge Public Health Commission transfers up to \$95,105,130 of its funds to the Medical Assistance Trust Fund using a federally-permissible source of funds which shall fully satisfy the nonfederal share of such payment; and provided further, that the secretary of health and human services shall make payments from the Medical Assistance Trust Fund totaling an amount not to exceed \$135,000,000 to privately owned acute hospitals in the commonwealth for purposes of transitional relief. Such transitional relief payments shall be in addition to payments from the Medical Assistance Trust Fund made pursuant to supplemental payment agreements entered into between the executive office of health and human services and hospitals designated by the commonwealth as Essential MassHealth Hospitals and Public Service Hospitals. Transitional relief payments shall be subject to approval by the Centers for Medicare and Medicaid Services of the amendment to the MassHealth Section 1115 Demonstration as submitted by the commonwealth on March 1, 2010, and in accordance with the methodology approved therein. Such payments may be made only pursuant to written certification to the comptroller and the house and senate committees on ways and means by the secretary of administration and finance that sufficient state revenue is available to fund the non-federal share for such

payments, consistent with the requirement for a balanced budget. Payments and transfers from this appropriation in fiscal year 2011 may also be used for fiscal year 2010 hospital payments \$686,737,746”;

Striking out section 94 (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following section:

“SECTION 94. Said chapter 131 is hereby further amended by striking out section 136 and inserting in place thereof the following section:—

Section 136. (a) Notwithstanding any general or special law to the contrary and except as provided in subsection (b), for fiscal year 2011, the definition of ‘eligible individual’ in section 3 of chapter 118H of the General Laws shall not include a person who is not eligible to receive federally-funded benefits under sections 401, 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, the secretary of health and human services and the executive director of the health insurance connector authority may, in their discretion and subject only to the terms and conditions in this subsection, establish or designate a health insurance plan in which a person who is not eligible to receive federally-funded benefits under said sections 401, 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, but who is an eligible individual pursuant to said section 3 of said chapter 118H may enroll for the period including July 1, 2010 to June 30, 2011, inclusive. The plan may be contracted for selectively from the health plans that contracted in fiscal year 2010 to provide insurance coverage to commonwealth care or MassHealth enrollees. Notwithstanding any general or special law to the contrary, the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority may, in their discretion and subject only to the terms and conditions in this subsection, make payments from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws to operate the plan using resources in the trust fund. Total state expenditures for providing coverage to all such persons, net of enrollee contributions and any federal financial participation, shall not exceed resources available in the trust fund not required to fund coverage of commonwealth care; provided that this shall not result in a reduction of services to commonwealth care enrollees. To the extent that additional federal financial participation becomes available for paying the costs of such coverage, the secretary of administration and finance may direct the comptroller to make such amounts available from the General Fund for the purpose of paying for the costs of such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority determine that the projected costs of enrolling eligible individuals in such coverage in fiscal year 2011 will exceed funds in the trust fund that are available for this program, they may limit enroll-

Supplemental
and deficiency
appropriations.

ment in such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority are unable to establish, reauthorize or designate a health insurance plan under this section, the secretary of administration and finance may direct the comptroller to transfer up to \$20,000,000 from the Commonwealth Care Trust Fund to the General Fund for the cost of health care services.”;

Striking out section 96;

In section 103 (as published), in lines 2036 to 2041, inclusive, striking out the words “Information related to rate adjustment factors and rates of reimbursement for review by the division shall be deemed confidential and exempt from the definition of public records in clause Twenty-sixth of section 7 of chapter 4, unless the commissioner disapproves a rate filing based upon a proposed rate adjustment factor and the affected carrier requests a hearing, in which case the rate adjustment factor material shall no longer be exempt” and inserting in place thereof the words “Any rates of reimbursement included in the rate filing materials submitted for review by the division shall be deemed confidential and exempt from the definition of public records in clause Twenty sixth of section 7 of chapter 4. The commissioner shall adopt regulations to carry out this section”;

Inserting after said section 103 (as published) the following two sections:

“SECTION 102A. Chapter 288 of the acts of 2010 is hereby amended by inserting after section 32 the following section:—

Section 32A. Said chapter 176J is hereby further amended by striking out section 11, inserted by section 32, and inserting in place thereof the following section:—

Section 11. (a) A carrier that offers a health benefit plan that: (i) provides or arranges for the delivery of health care services through a closed network of health care providers; and (ii) as of the close of any preceding calendar year, has a combined total of 5,000 or more eligible individuals, eligible employees and eligible dependents, who are enrolled in health benefit plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals, shall offer to all eligible individuals and small businesses in at least 1 geographic area at least 1 plan with either a reduced or selective network of providers or a plan in which providers are tiered and member cost sharing is based on the tier placement of the provider.

The base premium for the reduced or selective or tiered network plan shall be at least 12 per cent lower than the base premium of the carrier’s most actuarially similar plan with the carrier’s non-selective or non-tiered network of providers. The savings may be achieved by means including, but not limited to: (i) the exclusion of providers with similar or lower quality based on the standard quality measure set with higher health status adjusted total medical expenses or relative prices, as determined under section 6 of chapter 118G; or (ii) increased member cost-sharing for members who utilize providers for non-emergency services with similar or lower quality based on the standard quality measure set and with higher health status adjusted total medical expenses or relative prices, as determined under section 6 of chapter 118G.

(b) A tiered network plan shall only include variations in member cost-sharing between provider tiers which are reasonable in relation to the premium charged and ensure adequate access to covered services. Carriers shall tier providers based on quality performance as measured by the standard quality measure set and by cost performance as measured by health status adjusted total medical expenses and relative prices. Where applicable quality measures are not available, tiering may be based solely on health status adjusted total medical expenses or relative prices or both.

The commissioner shall promulgate regulations requiring the uniform reporting of tiering information, including, but not limited to requiring, at least 90 days before the proposed effective date of any tiered network plan or any modification in the tiering methodology for any existing tiered network plan, the reporting of a detailed description of the methodology used for tiering providers, including: the statistical basis for tiering; a list of providers to be tiered at each member cost-sharing level; a description of how the methodology and resulting tiers will be communicated to each network provider, eligible individuals and small groups; and a description of the appeals process a provider may pursue to challenge the assigned tier level.

(c) The commissioner shall determine network adequacy for a tiered network plan based on the availability of sufficient network providers in the carrier’s overall network of providers.

(d) The commissioner shall determine network adequacy for a selective network plan based on the availability of sufficient network providers in the carrier’s selective network.

(e) In determining network adequacy under this section the commissioner of insurance may take into consideration factors such as the location of providers participating in the plan and employers or members that enroll in the plan, the range of services provided by providers in the plan and plan benefits that recognize and provide for extraordinary medical needs of members that may not be adequately dealt with by the providers within the plan network.

(f) Carriers may: (i) reclassify provider tiers; and (ii) determine provider participation in selective and tiered plans no more than once per calendar year except that carriers may reclassify providers from a higher cost tier to a lower cost tier or add providers to a selective network at any time. If the carrier reclassifies provider tiers or providers participating in a selective plan during the course of an account year, the carrier shall provide affected members of the account with information regarding the plan changes at least 30 days before the changes take effect. Carriers shall provide information on their websites about any tiered or selective plan, including but not limited to, the providers participating in the plan, the selection criteria for those providers and where applicable, the tier in which each provider is classified.

(g) The division of insurance shall report annually on utilization trends of eligible employers and eligible individuals enrolled in plans offered under this section. The report shall include the number of members enrolled by plan type, aggregate demographic, geographic information on all members and the average direct premium claims incurred, as defined in section 6, for selective and tiered network products compared to non-selective and non-tiered products.

Supplemental and deficiency appropriations.

SECTION 102B. Section 33 of said chapter 288 is hereby repealed.”; In section 123 (as published), in line 2094, striking out the following “Section 27” and inserting in place thereof the following “Sections 27 and 32A”;

In section 124 (as published), in line 2098, striking out the following “year ending June 30, 2010” and inserting in place thereof the following: “years ending June 30, 2010 and June 30, 2011”;

In section 128 (as published), in lines 2117 and 2118, striking out the words “to assist homeowners in the town of Stow who are customers of the Assabet Water Company and”; and in lines 2126, 2127 and 2128, striking out the words “funds for the water wells, treatment and storage facilities, and distribution pipes shall be available only to residents of the town of Stow who are customers of the Assabet Water Company; provided further”;

Striking out section 129 (as published);

Inserting after section 130 (as published) the following six sections:

“SECTION 131A. Item 0699-0015 of section 2 of chapter 27 of the acts of 2009 is hereby amended by adding the following words:— ; provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized in this item to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the Government Land Bank Fund an amount equal to the amount by which debt service charged to the fund exceeds revenue deposited to the fund.

SECTION 131B. Item 1775-0100 of said section 2 of said chapter 131 is hereby amended by inserting after the words ‘808 CMR 1.06(4); provided further, that’ the following words:— upon the receipt of said written certification by the secretary of administration and finance.

SECTION 131C. Item 4000-0600 of said section 2 of said chapter 131 is hereby amended by striking out the words: ‘section 159’ and inserting in place thereof the following words:— the last clause of item 4000-0640.

SECTION 131D. Item 4590-0250 of said section 2 of said chapter 131 is hereby amended by adding the following words:— ; and provided further, that funds shall be expended for a program to address the needs of children under the age of 18 with Type 1 or Type 2 diabetes in underserved areas.

SECTION 131E. Item 8900-0001 of said section 2 of said chapter 131 is hereby amended by inserting at the end thereof the following language:— and provided further, that the department shall expend not less than \$1,000,000 for jail diversion programs in conjunction with the Department of Public Health.

SECTION 131F. Section 149 of chapter 131 of the acts 2010 is hereby repealed.”;

In section 135 (as published), in line 2343, striking out the figures “133” and inserting in place thereof the figures “132”;

Striking out section 136 (as published) and inserting in place thereof the following section:

“SECTION 135. Section 35 shall take effect as of August 5, 2010.”; In section 137 (as published), in line 2346, striking out the figures “132” and inserting in place thereof the figures “131”; and

Adding the following two sections:

“SECTION 138. The Secretary of Administration and Finance shall certify to the Ways and Means Committees of the House and Senate the amount of revenue necessary to support the levels of spending attributable to this act, the potential impact on other budget accounts that will result from the passage of this act, and the potential need for further appropriations for accounts receiving funds in this act, not later than thirty days following its passage.

SECTION 139. The Department of Correction shall, not later than thirty days following the passage of this act, produce a report detailing the uses of funds expended pursuant to item 8900-0001 as contained herein, and identifying the cause of any deficiencies addressed by such expenditures specific to each facility where a deficiency has occurred. Said report shall also indicate the potential for additional deficiencies as well as the potential need for reductions in service, the release of inmates and/or the closure of any facility in the current fiscal year.”.

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

Ms. Polito of Shrewsbury then moved that the House concur with the Senate in its amendments with further amendments in section 2A by striking out items 1599-4302, 1599-4303, 1599-4305, 1599-4307, 1599-4308, 1599-4309, 1599-4310, 1599-4313, 1599-4314, 1599-4315, 1599-4316, 1599-4317, 1599-4318, 1599-4319, 1599-4320, 1599-4321, 1599-4322, 1599-4323, 1599-4324, 1599-4325, 1599-4327, 1599-4333, 1599-4340, 1599-4360, 1599-4361, 1599-4362, 1599-4400, 1599-4401, 1599-4402, 1599-4403, 1599-4404, 1599-4405, 1599-4407, 1599-4409, 1599-4410, 1599-4411, 1599-4412, 1599-4413, 1599-4414, 1599-4415, 1599-4416, 1599-4419, 1599-4420, 1599-4421, 1599-4422, 1599-4424, and 1599-4425.

The further amendments were rejected.

The House then concurred with the Senate in its amendments. Mr. Murphy of Burlington moved that this vote be reconsidered; and the motion to reconsider was negative.

A Bill relative to the transfer of boat registrations between family members (Senate, No. 2633) (on Senate Bill No. 1941), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boat registrations,— transfer.

Reports of Committees.

By Mr. Moran of Boston, for the committee on Election Laws, on House, No. 4857, an Order relative to authorizing the committee on Election Laws to make an investigation and study of a certain House document concerning campaign contributions (House, No. 5041).

Campaign contributions,— study.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 834, 3672, 4167 and 4945, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and

Environment, Natural Resources and Agriculture,— study.

Environment,
Natural
Resources and
Agriculture,—
study.

study of certain House documents concerning environmental issues (House, No. 5040).

Severally 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, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

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

Brian J.
Dupuis,—
sick leave
bank.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Brian J. Dupuis, an employee of the Department of Children and Families/Department of Social Services (House, No. 5036). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

David Peets,—
sick leave.

Establishing a sick leave bank for David A. Peets, an employee of the Department of Correction (House, No. 4888);

Sherborn,—
forest land.

Authorizing the town of Sherborn to use certain forest land for the purpose of constructing, operating and maintaining a wireless telecommunications facility (House, No. 4898);

Clinton,—
hiring policies.

Relative to updating local governance in the town of Clinton (House, No. 5016); and

Richard
Maypoter, Jr.,—
sick leave.

Establishing a sick leave bank for Richard Maypoter, Jr., an employee of the Department of Corrections (House, No. 5017);

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

Pet care.

Report of the committee on Community Development and Small Business, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 192) of Demetrius J. Atsalis and Kevin Aguiar for legislation to require pet shops to provide basic pet care information to consumers;

Subdivisions,—
approval.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 193) of James Cantwell relative to the approval by planning boards of subdivision plans in cities and towns;

Self service
gasoline.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 194) of James H. Fagan relative to self service gasoline stations;

Segregansett
Country Club.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 195) of

James H. Fagan relative to the Segregansett Country Club in the city of Taunton;

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 196) of Patricia A. Haddad, Joan M. Menard and others further regulating the opening of retail stores on Sundays and holidays; and

Retail stores,—
Sunday
openings.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 198) of Bradley H. Jones, Jr., Viriato Manuel deMacedo and others relative to price marking of food and grocery items;

Item
pricing.

Under suspension of the rules, in each instance, on a motion of Mr. Jones of North Reading, the reports were considered forthwith. Pending the question on acceptance of the reports, the petitions were recommitted, in each instance, on motion of Ms. Forry of Boston.

Report of the committee on Veterans and Federal Affairs, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3372) of John J. Binienda and others for legislation to exempt certain decorated veterans from parking meter fines;

Veterans,—
parking
meter fines.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3373) of John J. Binienda, that certain disabled veterans be exempt from inland fisheries and game fees;

Veterans,—
fisheries and
games fees.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3374) of Garrett J. Bradley relative to the issuance of hunting licenses to certain persons serving on active duty in the armed forces;

Armed forces,—
hunting
licenses.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3375) of Garrett J. Bradley relative to extending the date for qualification for the Vietnam War bonus;

Vietnam
War
bonus.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3376) of Geraldine Creedon and others for legislation to reimburse the town of Easton for certain expenditures for veterans' benefits;

Easton,—
veterans'
benefits.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3377) of James H. Fagan and others relative to annual energy expenses for certain eligible veterans;

Veterans,—
energy
expenses.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3379) of William Lantigua for legislation to provide for a bonus for veterans of Operation Enduring Freedom; and

Veterans,—
bonus.

Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 3380) of James R. Miceli and Louis Cimaglia that the Commissioner of Veterans' Services be authorized to provide headstones for certain deceased members of the National Guard;

National
Guard,—
headstones.

Under suspension of the rules, in each instance, on a motion of Mr. Smizik of Brookline, the reports were considered forthwith. Pending the question on acceptance of the reports, the petitions were recommitted, in each instance, on motion of Mr. Naughton of Clinton.

Orders of the Day.

Real estate appraisers.

The House bill relative to the registration of real estate appraisers (House, No. 277, amended) reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on pass the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith real estate appraisers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 277, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty minutes after one o'clock P.M., on motion of Mr. Murphy of Burlington (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-two minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

Supplemental and deficiency appropriations.

The engrossed Bill making appropriations for the fiscal years 2010 and 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5028, amended), having been certified by the Clerk to be rightly and truly prepared for final passage then was placed before the House, the question being on adopting the emergency preamble.

Ms. Polito of Shrewsbury then moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill in section 2A by striking out items 1599-4302, 1599-4303, 1599-4305, 1599-4307, 1599-4308, 1599-4309, 1599-4310, 1599-4313, 1599-4314, 1599-4315, 1599-4316, 1599-4317, 1599-4318, 1599-4319, 1599-4320, 1599-4321, 1599-4322, 1599-4323, 1599-4324, 1599-4325, 1599-4327, 1599-4333, 1599-4340, 1599-4360, 1599-4361, 1599-4362, 1599-4400, 1599-4401, 1599-4402, 1599-4403, 1599-4404, 1599-4405, 1599-4407, 1599-4409, 1599-4410, 1599-4411, 1599-4412, 1599-4413, 1599-4414, 1599-4415, 1599-4416, 1599-4419, 1599-4420, 1599-4421, 1599-4422, 1599-4424, and 1599-4425; and the amendments were rejected.

On the question on adoption of 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 3 to 0. Mr. Pedone of Worcester moved that this vote be reconsidered; and the motion to reconsider was negative. The bill then was sent to the Senate for concurrence in the adoption of the emergency preamble.

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 Senate to the Senate.

Engrossed Bill.

The engrossed Bill authorizing the town of Milford to issue an additional license for the sale of wine and malt beverages to be drunk on the premises (see, House, No. 4936) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M. Next sitting.

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