

## JOURNAL OF THE HOUSE.

Thursday, December 30, 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).

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

### *Silent Prayer.*

At the request of the city of Woburn's two representatives, Mr. Dwyer of Woburn and Mr. Kaufman of Lexington, and Mr. Miceli of Wilmington, the Chair (Mr. Donato of Medford) invited the members, guests and employees to rise and observe a moment of silent tribute to the memory of Police Officer John Maguire who lost his life in the line of duty after dedicating his life and long and distinguished career to serving, protecting and helping the residents of the community he loved. Woburn Police Officer John Maguire.

### *Communication.*

A communication from the Division of Health Care Finance and Policy (under Section 38C of Chapter 3 of the General Laws) relative to a review and evaluation of proposed changes to the Children Medical Security Plan (CMSP), was placed on file. Children Medical Security Plan.

### *Annual and Special Reports.*

#### Annual reports

Of the Executive Office of Housing and Economic Development (under Section 2B of Chapter 123 of the Acts of 2006) of the Growth Districts Initiative (GDI) grant program for the year 2010; and Growth Districts Initiative.

Of the Executive Office of Housing and Economic Development (under Section 2B of Chapter 123 of the Acts of 2006) of the Massachusetts Opportunity Relocation and Expansion (MORE) Jobs Capital Program for the year 2010; MORE Jobs Capital program.

The first annual report of the Massachusetts Department of Transportation (MassDOT) (under Section 6 of Chapter 25 of the Acts of 2009) submitting the Performance Management Report of said department for the calendar year, 2010; and MassDOT performance report.

Reports of the Department of Public Health (under sections 20 and 21 of Chapter 111 of the General Laws) submitting correctional facility inspection reports, as follows: Correctional facility inspection reports.

Of the Bridgewater State Hospital, in the town of Bridgewater; and  
Of the Norfolk County Correctional Center, in the town of Dedham;  
Severally were placed on file.

### *Resolutions.*

Resolutions (filed with the Clerk by Mr. Swan of Springfield) congratulating Evelyn Viola Saltus on the occasion of her ninety-fifth birthday, were referred, under Rule 85, to the committee on Rules. Evelyn Viola Saltus.

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

*Papers from the Senate.*

Natural  
resources,—  
protection.

The engrossed Bill protecting our natural resources (see House, No. 4943, amended), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4994), came from the Senate with the endorsement that said branch had concurred with House in its amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 80A of chapter 131 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word ‘paragraph’, in line 51, the following sentence:— The municipal board of health, or its duly authorized agent, shall issue a decision within 10 days of receipt of an application.

SECTION 2. The third paragraph of said section 80A is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— If denied, the municipal board of health shall inform the applicant, or his duly authorized agent, of the right to appeal such denial to the department of public health or the director.

SECTION 3. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:—

Every board of health that issues an emergency permit pursuant to this section shall report annually to the division: (i) the number of permit applications; (ii) the number of permits granted; (iii) the location for which the emergency permits were authorized; (iv) the results of granting the emergency permits, including the methods used to alleviate a threat; (v) the number and species of animals taken pursuant to the permit; and (vi) other information that may be required by the division. The division shall annually submit a report including an aggregation of the information listed in clauses (i) to (v), inclusive, and recommendations for legislation as a result of findings suggested by the data in the report to the joint committee on environment, natural resources and agriculture.”.

Under suspension of Rule 35, on motion of Mr. Straus of Mattapoisett, the further amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its further amendment; and the report was accepted.

The House then non-concurred with the Senate in its further amendment. Sent to the Senate for its action.

Debt  
collection.

The engrossed Bill further regulating debt collection (see Senate, No. 2557) came from the Senate with an amendment in section 2, in line 10, striking out the word “non-exempt” and inserting in place thereof the word “exempt”.

Under suspension of Rule 35, on motion of Mr. Rushing 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.

The Senate Bill establishing the Massachusetts state pilotage rate board (Senate, No. 2174, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4603) with a further amendment inserting before the enacting clause the following emergency preamble:

Pilotage  
Rate  
Board,—  
establishment.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a pilotage rate board, 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. Murphy of Burlington, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Mr. Tobin of Quincy then moved that the House concur with the Senate in its further amendment with a still further amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Section 3 of chapter 103 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following:—

Notwithstanding any regulation to the contrary in determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall adopt regulations providing for preference to veterans as defined in clause 43 of section 7 of chapter 4 of the general laws and those who were honorably discharged from or currently serving in the Armed Forces of the United States, including the Army, Navy, Air Force, Marine Corps and Coast Guard and the National Oceanic and Atmospheric Administration Officer Corps. If an active duty member or veteran (Armed Forces of the United States) applicant has a valid United States Coast Guard-issued Unlimited Master’s License (Any Gross Tons Upon Oceans) and a First Class Federal Pilotage endorsement for any part of Boston Harbor, he or she shall satisfy the sea-service requirements for candidate apprentice pilots stated in the Code of Massachusetts Regulations 995 and be eligible for preference for appointment as a state-commissioned apprentice pilot. No person’s status as a veteran or as a military reservist, and no person’s susceptibility to recall to military active duty, shall affect that person’s eligibility for selection for pilot candidate training or for warrant or full branch pilot commission.”.

The still further amendment was rejected.

The House then concurred with the Senate in its further amendment.

The House Bill establishing the Lincoln Park improvement district in the town of Dartmouth (House, No. 4883) 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 2600.

Dartmouth,—  
Lincoln  
Park.

Under suspension of Rule 35, on motion of Mr. Quinn of Dartmouth, 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.

Bushes and trees,—  
removal.

The House Bill relative to cutting down, trimming or removing bushes and small trees (House, No. 5121) 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 2663.

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

Northbridge,—  
Aldrich  
Recreation  
Area.

A Bill designating a certain area of the Blackstone River and Canal Heritage State Park in the town of Northbridge as the Spaulding R. Aldrich Memorial Recreation Area (Senate, No. 2160) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Peterson of Grafton, 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.

Maryann  
Audette,—  
sick leave  
bank.

A Bill establishing a sick leave bank for Maryann Audette, an employee of the Department of Revenue (Senate, No. 2644, amended 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 establish forthwith a sick leave bank for a certain employee of the department of revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Smizik of Brookline, 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.

A Bill establishing a sick leave bank for Beverley O’Riordan, an employee of the Department Of Elementary and Secondary Education (Senate, No. 2660) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Beverley  
O’Riordan,—  
sick leave  
bank.

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.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Miceli of Wilmington, 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.

A Bill designating a certain bridge in the town of Raynham as the Corporal Brian Oliveira Bridge (Senate, No. 2666) (on Senate bill, No. 1949), passed to be engrossed by the Senate, was read, and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Raynham,—  
Cpl. Brian  
Oliveira  
Bridge.

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.

*Reports of Committees.*

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of North Adams (House, No. 5087) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

North Adams,—  
land  
conveyance.

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

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

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Bosley of North Adams, 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. Murphy of Burlington, for the committee on Ways and Means, on the residue of House, No. 4841, reported, in part, a Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5128) [Cost: \$330,148,461]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental  
appropriations.

Supplemental appropriations.

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

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Murphy of Burlington moved to amend it in section 2 by striking out item 7007-0150 and inserting in place thereof the following item:

“7007-1000 ..... \$500,000”;

and by striking out section 37.

The amendments were adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 5128, amended) then was sent to the Senate for concurrence.

Stephen Costa,—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 Stephen Costa, an employee of the Massachusetts Rehabilitation Commission (House, No. 5127). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Smizik of Brookline, 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.

Kathryn Beaupre,—sick leave bank.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Kathryn Beaupre (House, No. 5116) be scheduled for consideration by the House.

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

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

Pending the question on passing the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding at the end thereof the following sentence: “Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”.

The amendment was adopted; and the bill (House, No. 5116, amended) was passed to be engrossed. Sent to the Senate for concurrence.

College scholarships,—study.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill creating a special commission on college scholarships (House, No. 4940) ought to pass with an amendment substituting therefor a Resolve providing for an investigation and study by a special commission on college scholarships (House, No. 5129). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House, the main question being on ordering the bill to a third reading.

Under suspension of Rule 7A, on motion of the same member, the bill was considered forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted resolve was ordered to a third reading.

Police,—identification cards.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to the issuance of uniform police identification cards (Senate, No. 2649) ought to pass. 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 the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Health education.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the House Bill relative to health education (House, No. 4630) ought to pass with amendments in line 17 by striking out the date: “June 30, 2011” and inserting in place thereof the date: “December 30, 2011”; and in lines 19 and 20 by striking out the date: “December 31, 2010” and inserting in place thereof the date: “June 30, 2011”. 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, with the amendments pending.

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

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (House, No. 4630, amended) was ordered to a third reading.

Millville,—election.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill validating a certain election in the town of Millville (House, No. 5115) [Local Approval Received] be scheduled for consideration by the House.

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

Bellingham,—  
liquor  
license.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Bellingham to grant an additional restaurant all alcohol license (House, No. 5123) [Local Approval Received] be scheduled for consideration by the House.

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

Methuen,—  
Christopher J.  
Lane.

By Mr. Spellane of Worcester, for the committee on Public Service, on a recommitted petition, a Bill exempting Christopher J. Lane from the maximum age requirement for police officers in the city of Methuen (House, No. 4900) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Emergency Measure.*

Bonds,—  
terms.

The engrossed Bill providing the terms of certain bonds to be issued by the Commonwealth (see House, No. 5106), 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 LXXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 12 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the noon recess having terminated, 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.

*Engrossed Bills.*

Bills  
enacted.

*Engrossed bills*

Providing for an elected tax collector in the town of Brookfield (see Senate, No. 2651) (which originated in the Senate);

Authorizing the town of Chelmsford to regulate the removal of aboveground utility poles and overhead wires and other associated structures and to regulate the installation of underground wires and associated structures (see House, No. 4408); Authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5025);

Relative to the financial condition of the town of Orange (see House, No. 5069); and

Authorizing the town of Millbury to grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5076);

(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.

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

The engrossed Bill relative to the standard fire insurance policy (see House, No. 960), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message see House, No. 4983), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kujawski of Webster. The amendment recommended by the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading): By striking out all after the enacting clause and inserting in place thereof the following:

Fire  
insurance  
policies.

“Section 99 of chapter 175 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after clause Twelfth A the following clause:—

Thirteenth. Notwithstanding any other provision of this chapter, a commercial policy issued in compliance with this section may exclude coverage for loss by fire or other perils insured against if the fire or other perils insured against were caused directly or indirectly by an act of terrorism; provided, however, that ‘an act of terrorism’ shall have the meaning as defined in the Terrorism Risk Insurance Act of 2002 (P.L. 107-297), as amended. Exclusions under this clause shall remain valid and in effect until the expiration of the Terrorism Risk Insurance Program created by the Terrorism Risk Insurance Act of 2002, or its successor.”.

Sent to the Senate for concurrence.

The Senate Bill amending the charter of the town of Middleborough (Senate, No. 2617), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Dwyer of Woburn.

Middlebor-  
ough,—  
charter.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed, in concurrence.

The Senate Bill establishing a special fund in the town of Brimfield (Senate, No. 2625), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Callahan of Sutton.

Brimfield,—  
special  
fund.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed, in concurrence.

The Senate Bill validating certain proceedings in the town of Rutland (Senate, No. 2647), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Rushing of Boston.

Rutland,—  
validate  
proceedings.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed, in concurrence.

Karen Reilly,—  
sick leave bank.

The House Bill establishing a sick leave bank for Karen Reilly, an employee of the Department of Children and Families (House, No. 5111, changed and amended), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Provost of Somerville.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Reading,—  
liquor license.

The House Bill authorizing the town of Reading to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises in the downtown smart growth district (House, No. 5122) (its title having been changed by the committee on Bills in the Third Reading), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Wolf of Cambridge.

The bill (having been reported by said committee to be correctly drawn) then was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Lexington,—  
tax rate.

The House Bill authorizing the recertification of the fiscal year 2011 tax rate for the town of Lexington (printed in House, No. 5126), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Kaufman of Lexington.

The bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) then was read a third time; and it was passed to be engrossed, in concurrence.

*Recess.*

Recess.

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

*Papers from the Senate.*

Real estate appraisers.

The House Bill relative to the registration of real estate appraisers (House, No. 277, amended) came from the Senate passed to be engrossed, in concurrence, with amendments striking out section 1 and inserting in place thereof the following section:

"SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section 181, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:—

Section 181. The term of a certificate or a license issued by the board, except a transitional license under subdivision C of section 180, shall be 2 years from the date of issuance. Notwithstanding the foregoing, each certificate or license originally issued to an individual, except a transitional license under said subdivision C of said section 180, shall be valid until the anniversary of the date of birth of the licensee next occurring more than 24 months after the date of issuance; or the direc-

tor of the division of professional licensure may designate a date other than a birthday for license expiration. A real estate appraisal trainee shall be eligible for renewal of a trainee license for not more than 4 two-year periods after the original term of the license."; striking out section 2; and striking out the emergency preamble.

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

The House Bill relative to certain members of the Cambridge retirement system (House, No. 4280) came from the Senate passed to be engrossed, in concurrence, with amendments in line 7, striking out the word "board" and inserting in place thereof the words "state board of retirement"; and in line 14, striking out the word "shall" and inserting in place thereof the "may".

Cambridge,—  
retirement system.

Under suspension of Rule 35, on motion of Mr. Toomey of Cambridge, 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 recertification of the fiscal year 2011 tax rate for the town of Lexington (printed in House, No. 5126) came from the Senate passed to be engrossed, in concurrence, with amendments striking out section 3 and inserting before the enacting clause the following emergency preamble:

Lexington,—  
tax rate.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the recertification of a certain tax rate for the town of Lexington, 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. Kaufman of Lexington, 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 making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5128, amended) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2

Supplemental appropriations.

Inserting before the heading "EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE" the following two items:

"0810-0007 .....	\$50,000
0810-0045 .....	\$190,418";
Inserting before the words "Office of the Secretary of Administration and Finance" the following two items:	
"1102-3301 .....	\$630,000
1102-3306 .....	\$392,000";

Supplemental appropriations.

Striking out item 1599-4707 and inserting in place thereof the following item:

"1599-4704 ..... \$4,300,000";

Striking out item 1595-5819;

Inserting after item 2810-0100 the following item:

"2820-0101 ..... \$134,631";

and in item 4512-0200, striking out the figures "\$335,000" and inserting in place thereof the figures "\$670,000";

Inserting after section 2A the following section:

"SECTION 2E. The sums set forth in this section are hereby appropriated for transfer from the General Fund to the trust funds named within each item unless specifically designated otherwise in this section, for the purposes and subject to the conditions specified in this section and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2011. Items in this section shall not be subject to allotment under section 9B of chapter 29 of the General Laws or reduction under section 9C of said chapter 29, without express authorization from the general court. Notwithstanding section 19A of said chapter 29, any transfer under this section shall be made by the comptroller in accordance with a transfer schedule to be developed for each item by the comptroller, after consulting with the appropriate agency secretary, the secretary of administration and finance and the state treasurer. The schedule for each appropriation shall provide for transfers in increments considered appropriate to meet the cash flow needs of each fund and all transfers under the schedule shall be completed not later than June 30, 2011. Not later than 7 days after the schedules receive final approval by the comptroller, they shall be reported to the house and senate committees on ways and means ..... \$20,000,000.";

In section 26, in line 296, after the word "affairs", and also after the word "services", inserting, in each instance, the words "or a designee"; and

Adding the following section:

"SECTION 40. Sections 5, 6, 7, 8, 10, 11, 12 and 13 shall be effective for tax years beginning on and after January 1, 2011."

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

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Aaron Michlewitz for legislation to establish a sick leave bank for Ralph P. Ruzzo, Sr., an employee of the Trial Court. Under suspension of the rules, on motion of Mr. Michlewitz of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Ralph P. Ruzzo, Sr.,—sick leave bank.

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

Senate bills

Relative to group health insurance (Senate, No. 489);

Providing for the establishment of a fire department in the town of Newbury (Senate, No. 2516) [Local Approval Received];

Establishing a sewer construction fund for the town of Barnstable (Senate, No. 2603) [Local Approval Received]; and

Authorizing the city of Quincy to abate certain fiscal year 2010 real property taxes (Senate, No. 2639, amended) [Local Approval Received]; and

The House Bill relative to the environmental review process for a certain parcel of developable land in the city of Cambridge (House, No. 5085) [Local Approval Received];

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

Report of the committee on Public Service, ought NOT to pass (under Joint Rule 10), on the joint petition (accompanied by bill, House, No. 5084) of Byron Rushing and Sonia Chang-Diaz for legislation to establish a sick leave bank for Betty Garcia, an employee of the Department of Transitional Assistance.

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

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Doreen Edwards, an employee of the Trial Court (see House, No. 5101), 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 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the recertification of the fiscal year 2011 tax rate for the town of Lexington (printed in House, No. 5126, 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 3 to 0. Sent to the Senate for concurrence.

Group insurance.

Newbury,—fire department.

Barnstable,—sewer fund.

Quincy,—property taxes.

Cambridge,—land.

Betty Garcia,—sick leave bank.

Doreen Edwards,—sick leave bank.

Bill enacted.

Lexington,—tax rate.

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.

Supplemental appropriations. The engrossed Bill making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5128, 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 3 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.

State pilotage rate board. The engrossed Bill establishing the Massachusetts state pilotage rate board (Senate, No. 2174, 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 6 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Bills enacted. Engrossed bills  
 Further regulating debt collection (see Senate, No. 2557, amended);  
 Amending the charter of the town of Middleborough (see Senate, No. 2617);  
 Establishing a special fund in the town of Brimfield (see Senate, No. 2625); and  
 Validating certain proceedings in the town of Rutland (see Senate, No. 2647);  
 (Which severally originated in the Senate);  
 Relative to the registration of real estate appraisers (see House, No. 277, amended);  
 Relative to trusts for the care of animals (see House, No. 1467);  
 Establishing the Lincoln Park improvement district in the town of Dartmouth (see House, No. 4883, amended);  
 Authorizing the town of Milford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5071);  
 Relative to the Geriatric Authority of Milford (see House, No. 5072);  
 Providing for an early retirement incentive program for certain employees in the city of Malden (see House, No. 5073);  
 Authorizing a certain employment contract for the town of Milford (see House, No. 5088);

Relative to South Hadley town meeting members (see House, No. 5096); and

Changing the date of the annual town meeting in the town of North Reading (see House, No. 5118);  
 (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.

*Order.*

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

At twelve minutes after five o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.